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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

X

4 NELSON QUINTANILLA, ALEJANDRO AMAYA, ALEX AMIR
5 AREVALO, MAYNOR FAJARDO, WALTER GARCIA, JOSE L.
6 MARTINEZ, PRACELIS MENDEZ, OSMAR W. PAGOADA,
7 JAVIER QUINTANILLA, EDWIN RIVERA, CARLOS
ESCALANTE, KEVIN GALEANO, LERLY NOE RODRIGUEZ,
JOSE VEGA CASTILLO, JUAN QUINTEROS, and MARCUS
TULIO PEREZ,

8

Plaintiffs,

9

-against-

10

SUFFOLK PAVING CORP., SUFFOLK ASPHALT CORP.,
LOUIS VECCHIA, CHRISTOPHER VECCHIA, HELENE
VECCHIA, and JOHN DOES 1-5,

12

Defendants.

13

X
October 6, 2011
12:30 p.m.

15

16 4875 Sunrise Highway
17 Bohemia, New York

18

EXAMINATION BEFORE TRIAL of KEVIN GALEANO,
one of the Plaintiffs herein, taken by the
Defendants, pursuant to Order, held at the
above-mentioned time and place, before MICHELLE
ADAMO, a Notary Public of the State of New York.

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2 A P P E A R A N C E S :

3

4 LAW OFFICES OF LAUREN GOLDBERG, PLLC
5 Attorneys for Plaintiffs
501 Fifth Avenue
6 New York, New York 10017

7 (NOT PRESENT)

8

9 LAW OFFICES OF PATRICK E. McNAMARA
10 Co-Counsel for Plaintiffs
11 868 Little East Neck Road
12 West Babylon, New York 11704

13 BY: PATRICK McNAMARA, ESQ.

14

15 LAW OFFICES OF IAN WALLACE
16 Co-Counsel for Plaintiffs
17 501 Fifth Avenue
18 New York, New York 10017
19 (NOT PRESENT)

20

21 ZABELL & ASSOCIATES, P.C.
22 Attorneys for Defendants
23 4875 Sunrise Highway
24 Bohemia, New York 11716

25 BY: SAUL ZABELL, ESQ.

26

27 ALSO PRESENT:

28 Steven Rinaldi - Spanish Interpreter

29

1

2 S T I P U L A T I O N S

3

4 IT IS HEREBY STIPULATED AND AGREED
5 by and between the attorneys for the
6 respective parties herein, that filing,
7 sealing and certification be and the same
8 are hereby waived.

9

10 IT IS FURTHER STIPULATED AND AGREED
11 that all objections, except as to the form
12 of the question shall be reserved to the
13 time of the trial.

14

15 IT IS FURTHER STIPULATED AND AGREED
16 that the within deposition may be signed
17 and sworn to before any officer authorized
18 to administer an oath, with the same force
19 and effect as if signed and sworn to before
20 the Court.

21

22

23

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25

1

2 S T E V E N R I N A L D I, the Spanish
3 Interpreter herein, was duly sworn to
4 interpret the questions from English into
5 Spanish and the answers from Spanish into
6 English to the best of his ability:

7 K E V I N G A L E A N O, the Witness herein,
8 having been duly sworn through the
9 Interpreter, was examined and testified
10 as follows:

11 EXAMINATION BY

12 MR. ZABELL:

13 Q State your name for the record,
14 please.

15 A Kevin Galeano.

16 Q State your address for the record,
17 please.

18 A [REDACTED]

19 [REDACTED]

20 Q Who are you?

21 A Kevin Galeano.

22 Q How do I know that?

23 A Pardon me?

24 Q How do I know that is who you
25 really are?

1 K. Galeano

2 A That is my name.

3 Q Do you have a driver's license?

4 A No.

5 Q Any identification?

6 A Yes.

7 Q May I see it?

8 A Yes. (Handing.)

9 Q That's it?

10 A Yes.

11 Q Nothing else?

12 A No.

13 Q Why is this so hot?

14 A I had it in my pocket.

15 Q You're a skinny guy, you can't
16 generate that much heat.

17 A I was sitting on it.

18 Q Let's me make a copy, okay?

19 A Okay.

20 (Mr. Galeano's passport was marked
21 as Defendants' Exhibit 1 for
22 identification, as of this date.)

23 Q Mr. Galeano, if that's your real
24 name --

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 Q -- I'm going to show you a
3 document that I'm identifying as Defendants'
4 Exhibit 1 for today's date.

5 Do you know what that is?

6 A (Perusing.) Yes.

7 Q It's a copy of your passport, is
8 it not?

9 A Yes.

10 Q [REDACTED]

11 A Yes.

12 Q [REDACTED]

13 [REDACTED]

14 A [REDACTED]

15 Q [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MR. MCNAMARA: Objection.

19 A Because.

20 Q I'm confused.

21 MR. MCNAMARA: Objection.

22 A [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

K. Galeano

2

A

3

4

Q

5

MR. MCNAMARA: Objection.

6

7

I'm instructing the witness not to answer, pursuant to the protection order.

8

9 MR. ZABELL: I'm not asking about 10 his immigration status.

11 MR. MCNAMARA: I have a good faith 12 belief that his answers could lead to 13 issues regarding his immigration status, 14 and I am asking the witness not to 15 answer.

16 MR. ZABELL: You don't have that 17 right to. He has to answer this 18 question. If I proceed further, then you 19 might have a right to object.

20 A

What was the previous question?

21

(Whereupon, the requested 22 testimony was read back by the court 23 reporter.)

24 Q

Answer the question.

25 A

Yes.

1 K. Galeano

2 Q That doesn't sound right to me,
3 does it?

4 MR. MCNAMARA: Objection.

5 Q Go ahead, answer.

6 A I don't know if I can answer the
7 question. That's an immigration question that
8 you're asking me.

9 Q I don't understand what you're
10 saying.

11 MR. MCNAMARA: Counsel, I'm asking
12 you to move on. He's not going to answer
13 this question any further, pursuant to
14 the protective agreement, and I will ask
15 that you move on.

16 Q You can answer.

17 MR. MCNAMARA: Objection.

18 Don't answer the question.

19 Q [REDACTED]

20 [REDACTED]

21 A I [REDACTED]

22 Q [REDACTED]

23 A [REDACTED].

24 Q [REDACTED]

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 Q Go ahead, answer.

3 A [REDACTED]

4 [REDACTED]

5 Q [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR. MCNAMARA: Objection.

10 Q Look at me. Don't lie.

11 A I'm not lying.

12 Q You just did. Let's go through
13 some ground rules.

14 You understand that you're at a
15 deposition, right?

16 A Yes.

17 Q At this deposition, I'm going to
18 be asking you questions.

19 Do you understand that?

20 A Yes.

21 Q You have an obligation to provide
22 answers to the questions that I ask you.

23 Do you understand that?

24 A Yes, I understand.

25 Q If you do not understand a

1 K. Galeano

2 question that I ask you, you have an obligation
3 to tell me that you do not understand that
4 question.

5 Do you understand that?

6 A Yes, I understand.

7 Q If you provide an answer to a
8 question that I ask you, it will be assumed that
9 you understood that question.

10 Do you understand that?

11 A Yes, I understand.

12 Q Do you understand that you're
13 under oath?

14 A Yes, I understand.

15 Q If you lie here at this
16 deposition, it is no different than lying under
17 sworn testimony in a Court of Law.

18 Do you understand?

19 A Yes.

20 Q There may be criminal penalties
21 for doing so.

22 Do you understand that?

23 A Yes, I understand.

24 Q How did you get here today?

25 A By car.

1 K. Galeano

2 Q Did you drive?

3 MR. MCNAMARA: Objection.

4 Q Answer the question.

5 A Yes.

6 Q [REDACTED]

7 MR. MCNAMARA: Objection.

8 A [REDACTED]

9 Q Do you routinely break the law?

10 A Yes, I understand.

11 Q Do you routinely break the law;

12 yes or no?

13 MR. MCNAMARA: Objection.

14 A I can't answer that.

15 Q Why can't you?

16 A [REDACTED]

17 [REDACTED]

18 Q How so?

19 MR. MCNAMARA: Objection.

20 A [REDACTED]

21 [REDACTED]

22 Q [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. MCNAMARA: Objection.

12

1 K. Galeano

2 Q Correct?

3 A Correct.

4 Q [REDACTED]

5 [REDACTED]

6 MR. MCNAMARA: Objection.

7 A [REDACTED]

8 [REDACTED]

9 Q [REDACTED]

10 A [REDACTED].

11 Q [REDACTED]

12 [REDACTED]

13 MR. MCNAMARA: Objection.

14 A [REDACTED]

15 [REDACTED]

16 Q [REDACTED]

17 [REDACTED]

18 MR. MCNAMARA: Objection.

19 A [REDACTED].

20 Q [REDACTED]

21 [REDACTED]

22 A [REDACTED].

23 Q [REDACTED]

24 [REDACTED]

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A Can I ask a question?

3 Q No. You have to answer my
4 questions. You're not here to ask questions.

5 Other than saying you refuse on
6 the grounds that you might incriminate yourself,
7 you must provide an answer to the questions that
8 I ask you.

9 A I don't understand the question.

10 Q [REDACTED]

11 [REDACTED]

12 MR. MCNAMARA: Objection.

13 A [REDACTED]

14 Q [REDACTED]

15 [REDACTED]

16 MR. MCNAMARA: Objection.

17 A [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. MCNAMARA: Objection.

22 A [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q [REDACTED]

1

K. Galeano

2

3 MR. MCNAMARA: Objection.

4 A I can't answer that question.

5 Q You don't have a choice, you must

6 answer that question.

7

8 MR. MCNAMARA: I want to have all
9 questions regarding Social Security
numbers and answers arriving therefrom to
10 be marked as confidential.

11

12 MR. ZABELL: I object to that
13 designation, and Counsel, there is a
14 manner in which you may appropriately
15 follow the steps to test the validity of
your designation.

16

MR. MCNAMARA: Yes.

17

18 MR. ZABELL: You have now been
provided with notice.

19

MR. MCNAMARA: Yes, thank you.

20 Q Answer the question now.

21 A No, I can't answer the question.

22 Q Why can't you answer the question?

23 A

24

25 Q

1

K. Galeano

2

MR. MCNAMARA: Objection.

4

A I don't remember.

5

Q

6

MR. MCNAMARA: Objection.

7

A

9

MR. MCNAMARA: Objection.

10

A I don't remember.

12

Q More or less?

13

A I don't remember.

14

MR. MCNAMARA: Objection.

15

Q

16

17

A .

19

Q

20

MR. MCNAMARA: Objection.

21

A I don't remember.

22

Q

23

MR. MCNAMARA: Objection.

24

A No, I don't remember.

25

Q

1 K. Galeano

2 A [REDACTED].

3 Q You know, nobody believes you when
4 you say you don't remember.

5 MR. MCNAMARA: Objection.

6 A I'm not lying.

7 Q We know you're lying.

8 A I'm not lying.

9 MR. MCNAMARA: Objection.

10 Q [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 MR. MCNAMARA: Objection.

14 A [REDACTED].

15 Q [REDACTED]
16 [REDACTED]

17 A [REDACTED].

18 Q Why did you lie?

19 MR. MCNAMARA: Objection.

20 Q Why did you lie?

21 A I am not lying.

22 Q [REDACTED]
23 [REDACTED]

24 MR. MCNAMARA: Objection.

25 Q Why did you lie?

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 A No, I'm not lying.

4 Q It's clear that you are, and it's
5 going to be a long day if you deny it.

6 MR. MCNAMARA: Objection.

7 Q Remember I told you that you're
8 not allowed to lie, you're under oath?

9 A Yes, I do recall.

10 Q Don't lie to me.

11 MR. MCNAMARA: Objection.

12 A I'm not lying.

13 Q Do you want to apologize for
14 lying?

15 MR. MCNAMARA: Objection.

16 A If I have, I say sorry.

17 Q You have.

18 MR. MCNAMARA: Objection.

19 Q You know that now, right?

20 A No, I haven't lied.

21 Q [REDACTED]

22 [REDACTED]

23 MR. MCNAMARA: Objection.

24 A [REDACTED]

25 Q You don't have a choice, you have

1 K. Galeano

2 to answer these questions.

3 A I can't answer, because he's
4 asking me questions that don't have to do with
5 the case.

6 Q You don't get to make that
7 decision. You understand you're represented by
8 Counsel here, don't you?

9 MR. MCNAMARA: Objection.

10 A Yes.

11 Q You see that fellow right next to
12 you playing with his phone?

13 MR. MCNAMARA: Objection.

14 Q Do you know him to be your
15 attorney?

16 A Yes, he says he is.

17 Q He's here to protect you. Did you
18 know that?

19 A Yes, I know that.

20 Q Unless he tells you not to answer
21 a question, you have no choice, you have to
22 answer the question.

23 Are we clear on that?

24 A We're clear.

25 Q [REDACTED]

1

K. Galeano

2

3

4

MR. MCNAMARA: Objection.

5

A No, to no employer.

6

Q Do you want to rethink your answer
7 to that question?

8

MR. MCNAMARA: Objection.

9

A Can I speak to my attorney?

10

Q After you answer my question.

11

MR. MCNAMARA: Objection.

12

A I cannot answer the question.

13

Q Why can't you answer the question?

14

MR. MCNAMARA: Objection.

15

A I don't remember any of that.

16

Q

17

MR. MCNAMARA: Objection.

18

A I don't remember.

19

Q You don't remember it?

20

MR. MCNAMARA: Can we go off the
record?

21

MR. ZABELL: Because you asked so
nicely, yes.

22

(Whereupon, a discussion was held

1 K. Galeano

2 off the record.)

3 MR. MCNAMARA: I would like to
4 take a short break and speak to my
5 client, and we will continue in a little
6 while.

7 (Whereupon, a recess was taken
8 from 12:55 p.m. to 1:09 p.m.)

9 Q Mr. Galeano, I show you
10 Defendants' Exhibit 1.

11 [REDACTED]

12 [REDACTED]

13 MR. MCNAMARA: Objection.

14 A [REDACTED]

15 Q [REDACTED]

16 [REDACTED]

17 MR. MCNAMARA: Objection.

18 A [REDACTED]

19 Q Do you still have that?

20 A Yes.

21 Q Where is that?

22 A I have that here.

23 Q Don't you have any other
24 identification while you're digging in your
25 pockets?

1 K. Galeano

2 A I have the one I mentioned. This
3 is my clinic card.

4 Q Continue. Anything else?

5 A No.

6 Q May I see those?

7 A Yes. (Handing.)

12 (Identification card and clinic
13 card for Mr. Galeano were marked as
14 Defendants' Exhibit 2 for identification,
15 as of this date.)

16 Q Mr. Galeano, I'm going to show you
17 what has been marked for identification as
18 Defendants' Exhibit 2 with today's date.

19 Can you tell me what that is,
20 please?

21 A This (indicating)?

Q Do you know what that is?

23 A My documents.

24 Q Those are the documents that you
25 just provided to me, correct?

1 K. Galeano

2 A Yes.

3 Q I'll take that back.

4 Can you tell me where you
5 currently reside?

6 A Can you repeat the question?

7 Q I want to know where you currently
8 reside.

9 A The same address I gave, [REDACTED]
10 Street.

11 Q [REDACTED] where?

12 A [REDACTED]

13 Q If I was looking for you and
14 wanted to find you and I knocked on the door at
15 [REDACTED] that is where I
16 would find you?

17 MR. MCNAMARA: Objection.

18 A Yes, there.

19 Q What hours of the day are you
20 usually home?

21 MR. MCNAMARA: Objection.

22 A 7:00 at night. During the day,
23 I'm working. If I am working, you won't find me
24 there.

25 Q In 2000, when you came to the

1 K. Galeano

2 United States, where did you work?

3 A I was working at a factory.

4 Q Where?

5 A Bohemia.

6 Q What was the name of the factory?

7 A No, I don't remember.

8 Q You don't remember?

9 MR. MCNAMARA: Objection.

10 A I don't remember.

11 Q Did you get paid by cash or by
12 check?

13 A By check.

14 Q Did you cash that check?

15 A Yes, I cashed it.

16 Q Where?

17 A They gave it to me.

18 Q Who is "they"?

19 A I don't remember. It's been a
20 long time.

21 Q Did the company cash the check for
22 you?

23 A No, they paid me by check.

24 Q Where did you take that check to
25 get cashed?

1 K. Galeano

2 A To a check cashing place.

3 Q Did you have a bank account?

4 A No.

5 Q You don't remember the name of
6 that factory?

7 A No, I don't remember the name of
8 the factory.

9 Q What did you do at that factory?

10 A I was like packing things
11 sometimes, lotions or hair products.

12 Q For how long did you work there?

13 A One year.

14 Q How much did you make an hour?

15 A At that time, it was \$5.25.

16 Q You worked there until 2001?

17 A Yes.

18 Q Where did you work in 2001?

19 A Landscaping.

20 Q What was the name of the
21 landscaping company that you worked for?

22 A Herman Brothers, I think.

23 Q Where were they located?

24 A They were located in Smithtown,
25 something like that.

1

K. Galeano

2

Q How long did you work for them?

3

A One year.

4

5

Q Did they pay you by check or by
cash?

6

A They paid me in cash.

7

Q How much did you receive an hour?

8

A \$9 per hour.

9

Q Did you report that money on your
income tax return?

10

A No, not that year.

11

MR. MCNAMARA: Objection.

12

Q What about in 2000 when you worked
for the factory, did you report that money on
your income tax returns?

13

MR. MCNAMARA: Objection.

14

I would like to have all --

15

Q You can answer.

16

A No.

17

Q In 2002, where did you work?

18

A At the same company where I was
working. Before I said it was for one year, but
it was for two.

19

Q In 2002, you also worked for
Herman Brothers?

1 K. Galeano

2 A Yes.

3 Q And you also made \$9 an hour,
4 correct?

5 A Yes.

6 Q You also failed to report income
7 taxes for the year 2002?

8 MR. McNAMARA: Objection.

9 Questions and answers regarding
10 the witness' IRS reports and tax records
11 to be marked as confidential, pursuant to
12 the confidentiality agreement.

13 MR. ZABELL: Your request is
14 denied. I believe you have a mechanism
15 to follow if you wish to designate
16 documents as confidential.

17 We oppose that designation. You
18 have been notified that we oppose that
19 designation. There is a method and
20 manner for you to test the
21 appropriateness of your designation, if
22 you so choose.

23 You have failed in all respects to
24 test previous designations and nothing
25 has been maintained as confidential.

1

K. Galeano

2

MR. MCNAMARA: Thank you, Counsel.

3

Q You didn't pay taxes on your 2002

4 earnings, did you?

5

MR. MCNAMARA: Objection.

6

Q Correct?

7

A Correct, no, I didn't pay.

8

Q Where did you work in 2003?

9

A In Pave-Co, an asphalt company.

10

Q When did you start working for
11 Pave-Co?

12

A In 2003, about that, I don't
13 remember the month or the date.

14

Q How much did you make an hour
15 there?

16

A They were giving me \$16 per hour.

17

Q That's nice, right?

18

A Yes.

19

Q How many hours a week did you work
20 there?

21

A At Pave-Co?

22

Q That's what I'm asking you about.

23

A There were weeks I didn't work,
24 but when I did work, up to fifty hours or
25 fifty-five hours.

1 K. Galeano

2 Q And they paid you for all the
3 hours you worked?

4 A Right, correct.

5 Q They paid you in check or cash?

6 A They paid me by check.

7 Q You reported those checks on your
8 income tax returns, correct?

9 MR. MCNAMARA: Objection.

10 A Yes, correct.

11 Q [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A Yes, that's correct.

15 Q [REDACTED]

16 [REDACTED]

17 MR. MCNAMARA: Objection.

18 A [REDACTED]

19 Q When you worked at the Bohemia
20 factory in 2000, you had to provide them with a
21 Social Security number, did you not?

22 MR. MCNAMARA: Objection.

23 A I don't remember, and I cannot
24 answer that question.

25 Q Can you not answer that question

1 K. Galeano

2 because you don't remember, or is there some
3 other reason you can't answer it?

4 MR. MCNAMARA: Objection.

5 A Because I don't remember.

6 Q Is that the only reason?

7 MR. MCNAMARA: Objection.

8 A Yes, the only reason.

9 Q For how long did you work for
10 Pave-Co?

11 A 2003, 2004, 2005, 2006 and half a
12 year in 2007.

13 Q When was your last day at Pave-Co?

14 A I don't remember the last day.

15 Q Do you remember the month?

16 A Not exactly, but August or
17 September, something like that.

18 Q When you worked for Pave-Co from
19 2003 to 2007 or the middle of 2007, you only
20 worked during paving season, correct?

21 MR. MCNAMARA: Objection.

22 A Yes.

23 Q Paving season was from April to
24 November, correct?

25 A No, earlier, March until December.

1

K. Galeano

2

Q Every year was March to December?

3

A Every year.

4

Q You never started in April if it
5 was cold?

6

MR. MCNAMARA: Objection.

7

A Could you repeat the question?

8

Q You never started in April if it
9 was cold, is that your testimony?

10

A I don't remember every year
11 exactly.

12

Q So you might have started in April
13 sometimes, correct?

14

MR. MCNAMARA: Objection.

15

A Truth is, no, I don't know,
16 sometimes March. There was not a month that we
17 started working.

18

Q What do you mean, there was not a
19 month that you started working?

20

A It was not exactly -- we didn't
21 start working every year the same month.

22

Sometimes it was a month before or after.

23

Q So sometimes it was March and
24 sometimes it was April, correct?

25

A I couldn't say April, because I

1 K. Galeano

2 don't remember.

3 Q Then sometimes you would end in
4 November and sometimes you would end in
5 December, correct?

6 A Yes, correct.

7 Q At the beginning of the season and
8 the end, things were much slower than when the
9 season was in earnest, correct?

10 A At end of the season, yes, there
11 was less work than during winter.

12 Q What about the beginning of the
13 season?

14 A The beginning of the season, the
15 same, and in winter, there was not much work.

16 Q Where did you work at the end of
17 2007 from August on?

18 A I was out of work for a few months
19 until I started at Suffolk Paving.

20 Q When did you start at Suffolk
21 Paving?

22 A November of 2007.

23 Q How did you get the job at Suffolk
24 Paving?

25 A My friends that were working

1 K. Galeano

2 there.

3 Q Who were your friends?

4 A Edwin Rivera and Victor

5 Quintanilla -- no, Nelson Quintanilla.

6 Q Well, which was it, Nelson or

7 Victor?

8 A Nelson.

9 Q One of them is nice, one of them
10 not so much.

11 MR. McNAMARA: Objection.

12 A I don't know which one is nice and
13 which one isn't.

14 Q How much were you making when you
15 started working for Suffolk Paving in 2007?

16 A \$23, the same salary the whole
17 time I worked there.

18 Q You received \$23 for all of your
19 time at Suffolk Paving, correct?

20 A That's correct, yes.

21 Q What did you do for Suffolk
22 Paving?

23 A What I was doing there at the job?

24 Q Yes.

25 A I shovel, I used a rake, a broom,

1 K. Galeano

2 I cut up asphalt with the cutter.

3 Q You worked there from November
4 2007 until when?

5 A August of 2009.

6 Q Why did your employment end in
7 August 2009?

8 A Louis fired me.

9 Q Why were you fired?

10 A For no reason, just because he
11 wanted it -- he just said, go home, go home, go
12 home.

13 Q Do you know any reason why he
14 fired you?

15 A My reason that I think is that we
16 were doing a job, and they were not doing it
17 perfectly, and they had a lot of problems. I
18 think he was feeling frustrated.

19 Q Do you believe he terminated you
20 in retaliation for this lawsuit?

21 A I think so.

22 Q You're suing him for retaliation,
23 correct?

24 MR. McNAMARA: Objection.

25 A I don't understand the question.

1 K. Galeano

2 Q Part of your lawsuit is for money
3 you lost from August of 2009 forward, correct?

4 MR. MCNAMARA: Objection.

5 A No, that is not true.

6 Q You're not suing for retaliatory
7 discharge?

8 MR. MCNAMARA: Objection.

9 A No. I'm suing for the hours he
10 didn't pay us, the overtime that he didn't pay
11 us.

12 Q You're not suing for anything
13 else?

14 MR. MCNAMARA: Objection.

15 A I cannot answer the question.

16 Q You have to answer the question.
17 Look at your lawyer.

18 MR. MCNAMARA: Objection.

19 You keep asking it over and over
20 again.

21 Q Answer the question.

22 MR. MCNAMARA: Objection.

23 Q Answer the question. You may
24 ignore his objections, just like I do.
25 Ask him, he'll tell you to ignore

1 K. Galeano

2 his objections. Go ahead, look at him.

3 MR. MCNAMARA: You can answer his
4 question. Although, you answered it in
5 the past.

6 MR. ZABELL: Watch your speaking
7 objections, Counsel. Last warning.

8 Q Answer the question.

9 A Could you repeat it, please?

10 Q You are not suing for any claims
11 of retaliation, are you?

12 MR. MCNAMARA: Objection.

13 A I don't understand the word
14 "retaliation."

15 Q What do you think the word
16 retaliation means?

17 A I have no idea.

18 MR. ZABELL: I'm asking the
19 interpreter, could he use another word
20 for retaliation?

21 THE INTERPRETER: Can we take a
22 short break?

23 MR. ZABELL: Yes, of course.

24 (Whereupon, a recess was taken
25 from 1:35 p.m. to 1:45 p.m.)

1

K. Galeano

2

MR. MCNAMARA: We'll stipulate on
the record that Mr. Galeano does not have
a claim in this action for retaliation.

5

6

7

MR. ZABELL: Are you saying that
any claim that has been asserted for him
is now being withdrawn?

8

MR. MCNAMARA: Yes. Although, I
don't believe there is a claim
specifically for Mr. Galeano.

9

10

MR. ZABELL: You're withdrawing
all claims of retaliation for him?

11

MR. MCNAMARA: Yes.

12

13

14

15

16

MR. ZABELL: Let the record
reflect that all claims for retaliation
are withdrawn.

17

18

MR. MCNAMARA: We'll stipulate to
that.

19

20

Q Mr. Galeano, did you prepare for
this deposition in any way?

21

A No.

22

Q Nobody ever says they do.

23

24

But you did speak to your attorney
before this deposition?

25

A Yes.

1 K. Galeano

2 Q Did you review any documents with
3 your attorney before this deposition?

4 A Documents, no. Like -- no.

5 Q Did you speak to any of your
6 co-workers at Suffolk Paving before this
7 deposition?

8 MR. MCNAMARA: Objection.

9 A No, I didn't speak to anyone.

10 Q Didn't you all get together and go
11 to your attorney's office together?

12 MR. MCNAMARA: Objection.

13 A Yes, we were with our attorney.

14 Q A couple of weeks ago, right?

15 A Yes. But they didn't prepare us
16 to say what we have to say over here.

17 Q I didn't accuse them of doing
18 that. That would be unlawful.

19 MR. MCNAMARA: Objection.

20 Q I just asked if you prepared for
21 this deposition.

22 Are you feeling a little guilty?

23 MR. MCNAMARA: Objection.

24 Q Like maybe you did something
25 wrong?

1 K. Galeano

2 A No, I don't feel guilty.

3 Q You don't feel guilty about
4 breaking the law?

5 MR. MCNAMARA: Objection.

6 A No, no, I don't think that I have
7 broken the law.

8 Q You just admitted at the beginning
9 of this deposition that you broke the law.

10 MR. MCNAMARA: Objection.

11 Q Don't you remember?

12 MR. MCNAMARA: Objection.

13 A Yes, I remember.

14 Q [REDACTED]

15 [REDACTED]

16 A [REDACTED].

17 [REDACTED]

18 [REDACTED]

19 MR. MCNAMARA: Objection.

20 A [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q [REDACTED]

24 [REDACTED]

25 MR. MCNAMARA: Objection.

1

K. Galeano

2

A

[REDACTED]

3

Q

When you do, you break the law,

4

right?

5

MR. MCNAMARA: Objection.

6

A

Yes.

7

Q

Do you own a car?

8

A

No, I don't own a car.

9

Q

Whose car did you borrow?

10

MR. MCNAMARA: Objection.

11

A

It's my friend's.

12

Q

What is your friend's name?

13

A

Oscar.

14

Q

Oscar who?

15

A

Gomez.

16

Q

Does Oscar Gomez have a driver's
license?

18

MR. MCNAMARA: Objection.

19

A

Yes.

20

Q

Where does Oscar live?

21

MR. MCNAMARA: Objection.

22

A

I don't remember the address.

23

Q

Does he live by you?

24

A

Yes.

25

Q

What is his street name?

1

K. Galeano

2

MR. MCNAMARA: Objection.

3

4 Brentwood.

5 Q Do you have the car registration?

6

MR. MCNAMARA: Objection.

7

A No, not here, it's in the car.

8

Q Okay. Why don't you go to the car

9 and get it.

10

MR. MCNAMARA: Objection.

11

He's not going to go.

12

MR. ZABELL: Take a break and get
it from the car. It's a valid question.

14

I'm not talking to him about his
immigration status. We will wait for him

15 to get it.

17

MR. MCNAMARA: Off the record.

18

(Whereupon, a recess was taken
from 1:52 p.m. to 2:05 p.m.)

20

(Car registration was marked as
Defendants' Exhibit 3 for identification,

22

as of this date.)

23

Q Who is Oscar Gomez?

24

A He's my friend.

25

Q Is that the guy that lent you the

1 K. Galeano

2 car?

3 A Yes.

4 Q It's not his car.

5 A I don't know, but it's his
6 mother's.

7 Q Why did you lie to me before?

8 MR. MCNAMARA: Objection.

9 A No, I didn't know.

10 Q No, you didn't know, and yes, you
11 lied to me; is that what you're saying?

12 A No, I didn't know that it was his
13 mother's, but he drives it.

14 Q How do you know it's his mother's
15 now?

16 A Because I spoke to him to ask him
17 where it was because I couldn't find it.

18 Q So you lied to me, it's not his
19 car, correct?

20 MR. MCNAMARA: Objection.

21 Q Correct; yes or no?

22 MR. MCNAMARA: Objection.

23 A Yes, it is his car.

24 Q Is that Defendants' Exhibit 3 in
25 front of you; yes or no?

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 A Yes.

4 Q That is not Oscar Gomez's,
5 correct?

6 A Yes, correct, it's not Oscar
7 Gomez's.

8 Q That is a registration from the
9 car, correct?

10 A Yes, correct.

11 Q I need you to stop lying to me.

12 MR. MCNAMARA: Objection.

13 A No, I'm not lying.

14 Q You just lied. Give me that paper
15 back. You just lied.

16 You said it was Oscar Gomez's car,
17 correct?

18 A Yes, I know.

19 Q But it's not his car.

20 A Because I didn't know it was Oscar
21 Gomez's mother.

22 Q What is Oscar Gomez's mother's
23 name?

24 A No, I don't know her name.

25 Q You don't know much, do you?

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 A Yes, I don't know what her name
4 is.

5 Q Did you ever go to school?

6 A My country, yes.

7 Q What grade did you complete?

8 A Sixth grade.

9 Q Did you ever go to school here in
10 the United States?

11 A No, never.

12 Q Did you ever try to learn English?

13 A Yes. I have wanted to learn, but
14 I never went to school, because I work.

15 Q So you never tried to learn
16 English?

17 A As I said, I wanted to, but I
18 haven't gone to school.

19 Q Listen. Just answer the questions
20 I ask you. Do you understand?

21 MR. MCNAMARA: Objection.

22 A Yes, I understand.

23 Q You never tried to learn English,
24 correct?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A Yes, correct.

3 Q Thank you.

4 [REDACTED]

5 [REDACTED]

6 A [REDACTED]

7 Q When you worked for Suffolk
8 Paving, how did you get to work?

9 A My co-workers would give me a
10 ride.

11 Q Who were those co-workers?

12 A Nelson Quintanilla, Edwin Rivera.

13 Q Anybody else?

14 A No, just them.

15 Q You would get a ride with them in
16 the morning?

17 A Yes, in the morning and in the
18 afternoon.

19 Q You took a ride with them because
20 they were your only way to get to work, correct?

21 MR. MCNAMARA: Objection.

22 A Yes, correct, the only way I could
23 get to work.

24 Q Did you ever drive to work
25 yourself?

1

K. Galeano

2

A No, never, because I never had a
3 car.

4

Q You didn't have a car, but you
5 borrowed one today?

6

MR. MCNAMARA: Objection.

7

A Yes, I do it out of necessity.

8

Q What do you mean, "out of
9 necessity"?

10

A That I have to do it, because I
11 don't have any other way to get somewhere.

12

Q Is it okay to break the law if you
13 have no choice but to get somewhere?

14

A No, I don't think it's okay. I
15 don't think it's okay to break the law.

16

Q But you know you did that today,
17 correct?

18

MR. MCNAMARA: Objection.

19

Q Correct?

20

A Yes, yes, I know.

21

Q [REDACTED]

22

[REDACTED]

23

MR. MCNAMARA: Objection.

24

A [REDACTED]

1

K. Galeano

2

3

4

Q Did the Bohemia factory know that?

5

MR. MCNAMARA: Objection.

6

7

A That, I don't remember. It's been

a long time.

8

9

Q What about Herman Brothers

Landscaping, did they know?

10

A

11

12

Q What about Pave-Co, did they know?

13

A

14

15

16

Q

Do you know what the number

17

is?

18

MR. MCNAMARA: Objection.

19

A

That is a Social Security number.

20

Q

21

MR. MCNAMARA: Objection.

23

A

24

[REDACTED]

25

Q

Do you ever file tax returns?

1

K. Galeano

2

MR. MCNAMARA: Objection.

3

A Yes, I have filed them.

4

Q Is there a Social Security number
5 that you used to file them?

6

MR. MCNAMARA: Objection.

7

A Is it the number that you said?

8

Q I'm asking you.

9

A Yes, that is it.

10

Q It's the number that I said,
11 correct?

12

A Yes, I think so.

13

Q

14

Correct?

15

A

17

Q It

18

A

20

Q

21

MR. MCNAMARA: Objection.

23

A

24

Q

25

1

K. Galeano

2

MR. MCNAMARA: Objection.

3

A Could you repeat the question?

4

Q [REDACTED]

5 [REDACTED]

6 [REDACTED]

7

MR. MCNAMARA: Objection.

8

A I cannot answer the question.

9

Q You don't have a choice but to
10 answer the question.

A That is logical, that is so.

Q Why are you doing that?

MR. MCNAMARA: Objection.

14 A [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q [REDACTED]

18 [REDACTED]

19 MR. MCNAMARA: Objection.

20 Q [REDACTED]

21 A [REDACTED]

22 Q Are you saying it's okay to lie if
23 you're lying to get money to provide for
24 yourself and your family?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A I didn't really understand the
3 question.

4 Q It's okay to lie if you're doing
5 it to make money, correct; yes or no?

6 MR. MCNAMARA: Objection.

7 A Can I answer the question -- what
8 I want to say --

9 Q Yes or no?

10 A No, I cannot answer the question.

11 O You have to answer the question.

12 You don't have a choice.

13 A Yes. But I can't answer it that
14 way. I have to answer it in a way that I want.

15 Q No. You have to answer it with a
16 yes or a no, because that is how I posed the
17 question.

18 MR. MCNAMARA: Objection.

19 A

20

21 0

22

23 MR MCNAMARA: Objection

24 0 [REDACTED]

25 A

1

K. Galeano

2

3

4 Q I suspect that there are other
5 people violating the law, too. You've already
6 acknowledged you're breaking the law. You can't
7 change your testimony.

8 You already testified that you're
9 breaking the law.

10 MR. McNAMARA: Objection.

11 Q Correct?

12 A Yes, I agree that I violated the
13 law.

14 Q I'm just trying to get to why
15 you're breaking the law.

16 MR. McNAMARA: Objection.

17 Q I [REDACTED]

18 [REDACTED]

19 A [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A [REDACTED]

24 [REDACTED]

25 Q B [REDACTED]

1

K. Galeano

2

3

4 A

5 Q

6

7

8 MR. MCNAMARA: Objection.

9 A

10

11

12

13 Q

14

15 MR. MCNAMARA: Objection.

16 Q

17

18 A

19

20 Q

To make money to support yourself?

21

MR. MCNAMARA: Objection.

22 A

23

Yes, to support myself and my family.

24 Q

25

1

K. Galeano

2

MR. McNAMARA: Objection.

3

A

4

Q

5

A

6

7

8

9

Q

10

11

12

A

13

Q

14

15

MR. McNAMARA: Objection.

16

Q

Just answer and we can move on.

17

A

18

Q

19

20

MR. McNAMARA: Objection.

21

A

22

Q

23

MR. McNAMARA: Objection.

24

Q

1

K. Galeano

2

A [REDACTED].

3

Q That wasn't so hard, was it?

4

A No.

5

Q The truth is always easier.

6

When you worked for Suffolk

7

Paving, you said you made \$23 an hour, correct?

8

A Yes, that is correct.

9

Q That was a good living per hour,
10 correct?

11 MR. MCNAMARA: Objection.

12 A Yes, I was making a good amount,
13 but they didn't pay me for the job I did.

14 Q Did you get paid in check or cash?

15 A Check.

16 Q Always in check?

17 A Always in check.

18 Q Did you ever get cash?

19 A No, never.

20 Q Every week you got a check,
21 correct?

22 A Yes.

23 Q Every week your check would
24 indicate the hours you worked on the check stub?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A Could you repeat the question?

3 Q Every week you got a check,

4 correct?

5 MR. MCNAMARA: Objection.

6 A Yes. Whenever I worked, that is

7 logical.

8 Q This is when you worked at Suffolk

9 Paving, correct?

10 A Yes, correct.

11 Q Every week you got a check when

12 you worked for Suffolk Paving, correct?

13 A Yes, they paid me.

14 Q Those checks came with a stub,

15 correct?

16 A Yes, correct.

17 Q That stub indicated the hours you

18 worked, correct?

19 MR. MCNAMARA: Objection.

20 A Yes, correct.

21 Q That was every week that you

22 worked, correct?

23 A I didn't finish.

24 Q No, you have to answer my

25 question.

1 K. Galeano

2 Every week that you worked, you
3 got that check with a stub, correct?

4 MR. MCNAMARA: Objection.

5 Q Yes or no?

6 A Yes. They gave it to me, but they
7 never gave me for what I was working.

8 Q Did you ever get paid an hourly
9 rate more than \$23 an hour?

10 A Regularly, no.

11 Q Did you ever get paid an hourly
12 rate more than \$23 an hour? Listen to my
13 question; si or no?

14 A I said the regular hours that I
15 worked was \$23, sometimes, yes, they paid us two
16 hours overtime.

17 Q Sometimes you got paid overtime,
18 correct; yes or no?

19 MR. MCNAMARA: Objection.

20 Q Yes or no?

21 A Of twenty hours, I got two hours.

22 Q Listen to me. I know you have
23 lots to say. This is not your forum.

24 Your job is to just answer the
25 questions that I ask you and then remain silent.

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 Q Do you understand that?

4 MR. MCNAMARA: Objection.

5 A Yes, I understand.

6 Q If you answer something that is
7 not a question that I ask, I'm going to ask you
8 to leave.

9 Do you understand that?

10 A Yes, I understand.

11 Q If that happens, I'm going to ask
12 the Judge to sanction or penalize you.

13 Do you understand that?

14 MR. MCNAMARA: Objection.

15 A Yes, I understand.

16 Q Can you just answer the questions
17 that I ask you; yes or no?

18 A Yes, I can answer.

19 Q Are you going to stop lying to me?

20 MR. MCNAMARA: Objection.

21 A No, I'm not lying.

22 Q Are you going to stop lying to me;
23 yes or no?

24 MR. MCNAMARA: Objection.

25 A I'm not lying.

1

K. Galeano

2

Q You already acknowledged that you
lied.

4

A If I was lying, I wouldn't lie.

5

Q You've already acknowledged that
you lied to me.

7

A No, because --

8

Q Yes or no?

9

A No, I have not lied to you.

10

Q Now you're lying again.

11

MR. MCNAMARA: Objection.

12

Q It's not good, it looks poorly.

13

A Yes, I am in agreement, in the
beginning when you asked me about my
documentation.

16

Q So stop lying, okay? Can you
agree to stop lying?

18

MR. MCNAMARA: Objection.

19

Q Can you agree to stop lying?

20

A Yes, I can agree, but I am not
lying. I'm telling the truth.

22

Q Now you're not lying, but before
you lied to me, correct?

24

A No, I have not lied.

25

Q You just admitted that you lied to

1 K. Galeano

2 me.

3 MR. MCNAMARA: Objection.

4 Q Ask your lawyer, he'll tell you.

5 Okay? No lies.

6 A No lies.

7 Q Do you want to apologize to me for
8 lying before?

9 MR. MCNAMARA: Objection.

10 A If I did, I apologize.

11 Q I accept your apology. Just don't
12 do it again, okay?

13 A Okay.

14 Q With whom do you live at 28 Frank
15 Street?

16 A My sister, my brother-in-law and
17 their children.

18 Q You said you have two children,
19 right?

20 A No, I didn't say I have two
21 children.

22 Q How many children do you have?

23 A I have a daughter.

24 Q [REDACTED]

25 [REDACTED]

1

K. Galeano

2

MR. MCNAMARA: Objection.

3

4 children.

A No, I didn't say that I had two

5

Q How many children do you have?

6

A One child.

7

Q How old is your child?

8

A Two years.

9

Q Where does she live?

10

A She also lives in Brentwood.

11

Q Does she live with you?

12

A No.

13

Q Who does she live with?

14

A With her mother.

15

Q Who is her mother?

16

A Lourdes Suarez.

17

Q Are you married to Lourdes Suarez?

18

A No.

19

Q Were you ever married to Lourdes Suarez?

20

A No, never.

21

Q Is she married to someone else?

22

A Now, presently, she is.

23

Q When you were dating her, was she married?

1 K. Galeano

2 A What do you mean? I don't
3 understand.

4 Q At the time two years ago when you
5 created your daughter, was Lourdes Suarez
6 married to someone else?

7 MR. MCNAMARA: Objection.

8 A No, no, she was not married.

9 Q What is your daughter's name?

10 A Caitlin Galeano.

11 Q Do you provide for Caitlin?

12 A Can you repeat the question?

13 Q Do you provide for Caitlin
14 Galeano?

15 A Yes.

16 Q How much do you provide?

17 A Could you explain that so it's a
18 little clearer?

19 Q Do you give money every month to
20 support Caitlin?

21 A Yes.

22 Q How much?

23 A \$100.

24 Q That's it?

25 A A week.

1 K. Galeano

2 Q That's it?

3 MR. MCNAMARA: Objection.

4 A A week. I also take care of her,
5 I buy her food and clothing.

6 Q Is there a court order ordering
7 you to provide for Caitlin Galeano?

8 MR. MCNAMARA: Objection.

9 A No, no, no court order.

10 Q How much do you pay a month in
11 rent?

12 A I pay \$350.

13 Q A week?

14 A A month.

15 Q Do you have any other children?

16 A No.

17 Q In this country or in any other?

18 A I just have one here in this
19 country.

20 Q Did you ever lie to Lourdes
21 Suarez?

22 A If at any time have I what?

23 Q Lied.

24 MR. MCNAMARA: Objection.

25 A About what?

1 K. Galeano

2 Q About anything.

3 A About my daughter, no.

4 Q About anything. Did you ever lie
5 to get your way?

6 MR. MCNAMARA: Objection.

7 A No.

8 Q You never lied to stay out of
9 trouble, even a little lie?

10 A I don't think so. I don't think I
11 ever had to.

12 Q Come on, tell the truth. You
13 never made a little white lie just to stay out
14 of trouble?

15 A I've never had any trouble, never
16 had any trouble with her.

17 Q You never lied and told her she
18 looked good when she didn't?

19 A If I said she looked pretty, it's
20 because she looked pretty.

21 Q Did you ever lie to your mother?

22 A Maybe when I was a kid.

23 Q Why did you lie, to stay out of
24 trouble?

25 A Yes, so I wouldn't get

1 K. Galeano

2 disciplined.

3 Q Did you ever lie to your father?

4 A Yes, the same thing, when I was a
5 kid, just as every kid does.

6 Q [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR. MCNAMARA: Objection.

10 A -- I never lied in
11 a big way to my parents.

12 Q [REDACTED]

13 [REDACTED]

14 A [REDACTED].

15 Q Just a little lie so you can get
16 what you want?

17 MR. MCNAMARA: Objection.

18 Q Correct?

19 A Maybe.

20 Q Have you ever been arrested?

21 MR. MCNAMARA: Objection.

22 A No, never.

23 Q Either in this country or in any
24 other country?

25 A Not in my country, not in this

1 K. Galeano

2 country, not in any other place.

3 Q Not yet?

4 A Not yet.

5 Q The day is still early, right?

6 A I wouldn't want to be there.

7 Q After you left Suffolk Paving,
8 where did you go work?

9 A I haven't had work steady.

10 Q Listen to the questions that I ask
11 you.

12 Where did you work after Suffolk
13 Paving?

14 A I've worked with my friends.

15 They're on the corner, as they say, where they
16 come pick you up.

17 Q So you worked on a regular basis
18 for various different contractors, correct?

19 MR. MCNAMARA: Objection.

20 A Yes.

21 Q Your friends Nelson or Victor
22 Quintanilla couldn't find you work at Pave-Co?

23 MR. MCNAMARA: Objection.

24 A No, I haven't found work because
25 there isn't a lot of work. Companies don't have

1 K. Galeano

2 any work. They haven't been able to find me any
3 work.

4 Q What about at Intercounty?

5 A No.

6 Q Ralph Lunati?

7 A No, no company.

8 Q Did you try looking for work?

9 A Yes, I have looked for work.

10 Q But instead, you have just been
11 working on a day-by-day basis?

12 MR. MCNAMARA: Objection.

13 A Could you repeat the question?

14 Q You're working on a day-by-day
15 basis, right?

16 A Yes, I'll work a day or two a
17 week.

18 Q How much do you get paid for a day
19 or two a week?

20 A \$120.

21 Q Is that the flat rate per day?

22 A Yes, per day.

23 Q So you're a day laborer?

24 MR. MCNAMARA: Objection.

25 A Could you repeat the question?

1 K. Galeano

2 Q You're day laborer?

3 MR. McNAMARA: Objection.

4 A I don't understand.

5 Q What corner do you wait on to get

6 work?

7 MR. McNAMARA: Objection.

8 A Brentwood.

9 Q What corner in Brentwood?

10 A Fifth Avenue.

11 Q When you worked for Suffolk

12 Paving, do you remember the names of any

13 projects you worked on?

14 A The projects I worked on, yes, I

15 remember where, but not the names.

16 Q Tell me where.

17 A Brentwood, Coram, Massapequa.

18 Q Anywhere else?

19 A In many different places, I don't

20 remember.

21 Q You named some towns, but you

22 don't remember any specific projects you worked

23 on, correct?

24 A I don't know the name, but if I

25 had to go, I know where it is.

1 K. Galeano

2 Q You don't remember anything about
3 these projects, do you?

4 A I repeat, I don't know the names
5 of them, but I do know where a lot of them are.

6 Q Do you remember any of the
7 projects that you worked on in 2007?

8 MR. MCNAMARA: Objection.

9 A I don't remember.

10 Q Do you remember any of the
11 projects that you worked on in 2008?

12 A No. The truth is no, I don't
13 remember. I said that I know how to get to the
14 places where I worked, but I don't remember
15 dates.

16 Q Do you remember any of the
17 projects that you worked on in 2009?

18 MR. MCNAMARA: Objection.

19 A The last place I worked where
20 Louis fired me, I remember.

21 Q What project was it?

22 A That was a school in Long Beach.

23 Q What were you doing at that school
24 in Long Beach?

25 A Laying asphalt on the Olympic

1 K. Galeano

2 track.

3 Q How much were you getting paid per
4 hour?

5 A Regular, \$23.

6 Q Were you getting paid prevailing
7 wage rates while you were there?

8 A At Suffolk Paving? Yes, paid
9 prevailing wage sometimes.

10 Q When you worked on prevailing wage
11 jobs, you got prevailing wage rates, correct?

12 MR. MCNAMARA: Objection.

13 A Yes.

14 Q When you were working in Long
15 Beach, what job were you doing?

16 A As I said previously, I did the
17 shoveling, the raking.

18 Q Is that it?

19 A I used the cutter, the plate
20 tamper.

21 Q You could have driven directly to
22 any of the worksites from your home, could you
23 not?

24 MR. MCNAMARA: Objection.

25 A We always had to go to the yard,

1

K. Galeano

2 that's where we started working. We would start
3 bringing tools and things. It was not until
4 after the lawsuit that we started going to the
5 jobs.

6 Q Did you work for Suffolk Paving
7 after the lawsuit?

8 MR. McNAMARA: Objection.

9 A Yes, I was working there.

10 Q When was the lawsuit filed, then?

11 A No, I don't remember.

12 Q So you don't know if you worked
13 for Suffolk Paving before or after the lawsuit,
14 correct?

15 A Yes, I do know that I was working
16 for Suffolk Paving.

17 Q Before or after the lawsuit?

18 A Before and after the lawsuit.

19 Q When did the rules change and you
20 could go directly to the job?

21 A After the lawsuit, but I don't
22 remember when it was.

23 Q Who told you before the lawsuit
24 that you had to show up to the yard?

25 A He did, Louis.

1 K. Galeano

2 Q You were at the yard for about
3 five minutes every morning?

4 MR. MCNAMARA: Objection.

5 A I don't really understand the
6 question.

7 Q Every morning you would go to the
8 yard so the people you were driving with would
9 get a map so they would know where to drive,
10 correct?

11 MR. MCNAMARA: Objection.

12 A Yes, correct. But as I said
13 before, we went to the yard to bring up the
14 tools to prepare the truck.

15 Q The tools were always in the
16 truck, right?

17 A Yes. Sometimes we had to load a
18 propane tank, the drainage, the risers, propane.
19 We had to move a machine from one trailer to
20 another.

21 Q It took a whole team of men to do
22 that or it took one man?

23 MR. MCNAMARA: Objection.

24 A All of us did it.

25 Q You were there at the shop five

1 K. Galeano

2 minutes before you left for the day, correct?

3 MR. MCNAMARA: Objection.

4 A When I went to the yard, it was
5 just to organize things to go out.

6 Q For about five or ten minutes?

7 A Ten or more.

8 Q Did you eat breakfast today?

9 A Yes.

10 Q What did you have, an egg
11 sandwich?

12 A Yes, in the morning, a sandwich.

13 Q Do you have an egg sandwich every
14 morning?

15 A No, not eggs, the food that I
16 like.

17 Q When you worked at Suffolk Paving,
18 you would have egg sandwiches in the morning,
19 right?

20 MR. MCNAMARA: Objection.

21 A Sometimes we buy them at the deli
22 on our way to work. We would eat them in the
23 truck. We wouldn't stop to eat.

24 Q You would go to the shop or the
25 yard, you would leave the yard and then go and

1 K. Galeano

2 get your egg sandwiches, right?

3 A Yes, sometimes we would stop at
4 the deli, buy them and we would eat in the
5 truck.

6 Q Sometimes or all the time?

7 A No, sometimes, not all the time.

8 Q Your friends all testified that is
9 what you do every morning.

10 MR. McNAMARA: Objection.

11 A Well, no, not always, because
12 sometimes someone would bring their own food and
13 wouldn't have to buy anything.

14 Q But you always stopped every
15 morning at the deli, correct?

16 A I'm not sure if it was every
17 morning.

18 Q You're not sure?

19 A I'm not sure, because the problem
20 is one wouldn't always work with the same group.
21 Sometimes you would be working with different
22 people.

23 Q Okay. Did you eat lunch today?

24 A Yes, I had lunch.

25 Q What did you have?

1 K. Galeano

2 A My favorite food; rice and beans
3 with a type of cream.

4 Q Did you eat lunch when you worked
5 at Suffolk Paving?

6 A Sometimes, but not at the right
7 time.

8 Q So at some point during the day,
9 you would eat lunch, correct?

10 A I imagine that lunch is supposed
11 to be at 12:00, but it would be at 2:00 or
12 3:00 in the afternoon.

13 Q You would take a half hour for
14 lunch, correct?

15 A No.

16 Q Somebody would go to the deli and
17 bring in lunch, correct?

18 A Sometimes.

19 Q You like soccer?

20 A I love it, my favorite sport.

21 Q Anybody play soccer on the job
22 sites?

23 A During the time I was working,
24 never -- they didn't even give us enough time to
25 eat, much less play soccer.

1 K. Galeano

2 Q Who was in charge at the
3 worksites?

4 A From the group, Mendez. I forgot
5 the name of the other guy.

6 Q Renato?

7 A Yes.

8 Q He was mean, right?

9 MR. MCNAMARA: Objection.

10 A Mean, no, never with me.

11 Q Who is the boss?

12 A What do you mean, "the boss"?

13 Q Who was the boss of Suffolk
14 Paving?

15 MR. MCNAMARA: Objection.

16 A The question again?

17 Q Who was the boss of Suffolk
18 Paving?

19 A Louis.

20 Q He is the owner of Suffolk Paving?

21 A Yes, right.

22 Q Is he the only owner?

23 A I don't know.

24 Q Do you know if there are any other
25 owners of Suffolk Paving?

1 K. Galeano

2 A I don't know.

3 Q You only worked for Suffolk

4 Paving, correct?

5 A After the lawsuit, they were
6 paying us with a different company name, but I
7 don't know if that was the same company or a
8 different one.

9 Q Do you know what that company was?

10 A Suffolk Asphalt or something like
11 that, I'm not sure.

12 Q Did you receive any paychecks from
13 them?

14 A Yes.

15 Q Do you have those paychecks?

16 A Checks, no, I don't have them.

17 Q Do you have any of your paychecks?

18 A Pardon me, could you repeat the
19 question?

20 Q Do you have any of your paychecks?

21 A No, checks, I don't have.

22 Q Do you have pay stubs?

23 A Pay stubs, I do have.

24 Q Where are they?

25 A I have them in the car.

1 K. Galeano

2 Q Go get them.

3 (Whereupon, a recess was taken

4 from 2:58 p.m. to 3:30 p.m.)

5 (Copies of Kevin Galeano's pay
6 stubs were marked as Defendants' Exhibit
7 4 for identification, as of this date.)

8 Q Mr. Galeano, do you know what this
9 document is?

10 A (Perusing.) Yes.

11 Q What is it?

12 A My check stubs.

13 Q Your check stubs from what entity?

14 A I don't understand, from what?

15 Q What company?

16 A Suffolk Paving.

17 Q Is this the document that I

18 identified as Exhibit 4 with today's date?

19 A Yes.

20 Q These are your pay stubs, correct?

21 A Yes, correct.

22 Q These show that you got paid
23 hourly anywhere between \$23 an hour and \$51.88
24 an hour, correct?

25 A \$51 per hour was the prevailing

1 K. Galeano

2 wage. Regularly, I was paid --

3 Q There is no question.

4 A Regular, I was paid --

5 Q There is no question before you.

6 Just answer my questions.

9 MR. MCNAMARA: Objection.

10 A No, I didn't know.

Q If that is true, he went to school, you didn't go to school, right?

13 A That is true, I did not go to
14 school.

15 OK \$51.88 is pretty good money, huh?

16 A Yes, it's good.

17 Q You were happy when you got that,
18 right?

19 A Yes, even though they weren't
20 paying me for all my hours.

21 Q It's indicated all your hours on
22 your pay stub, correct? You said it did before.

23 MR. MCNAMARA: Objection.

24 Q Correct?

25 A Yes, but not all of the hours that

1 K. Galeano

2 I worked. They didn't pay me for all of them.

3 Q Shows here that they did, correct?

4 Yes?

5 A I worked sixty plus hours and you
6 don't see sixty plus hours there.

7 Q When did you go to work in the
8 morning?

9 A 6:00 in the morning at the yard.

10 Q Until what time at night?

11 A There was not an exact ending hour
12 but it was 6:00, 7:00, 8:00, sometimes later.

13 Q When was it later?

14 A Pardon me?

15 Q What days did you work late? I
16 want the day and the month and the year.

17 A Working late, that was almost
18 every week.

19 Q Tell me what weeks. Tell me what
20 jobs. Tell me what you were doing.

21 A Paving, spreading asphalt.

22 Q Look. There were weeks you went
23 home early, right, because of rain, correct?

24 A Sometimes.

25 Q There were weeks where you didn't

1 K. Galeano

2 even go to work on a day because of the weather,
3 correct?

4 A Yes, correct.

5 Q There were days you were home by
6 5:00, correct?

7 A Sometimes at 5:00.

8 Q Right. So you can't say that you
9 worked over twelve hours a day every day, that
10 is just lying, correct?

11 MR. MCNAMARA: Objection.

12 A Most of the time, yes, we worked
13 twelve, fifteen hours.

14 Q You're lying. Admit it.

15 MR. MCNAMARA: Objection.

16 A No, I'm not lying, that was the
17 truth.

18 Q You can admit that you lied.

19 You've admitted it before.

20 You have admitted that you're
21 lying just to get money.

22 MR. MCNAMARA: Objection.

23 Q We all know.

24 MR. MCNAMARA: Objection.

25 Q Right? You're lying to get money?

1

K. Galeano

2

MR. MCNAMARA: Objection.

3

A No, no.

4

Q You're not lying to get money, you
don't want money from this lawsuit?

5

MR. MCNAMARA: Objection.

6

Q Right?

7

MR. MCNAMARA: Objection.

8

Q You don't want money from this
lawsuit, do you?

9

MR. MCNAMARA: Objection.

10

Q Do you?

11

MR. MCNAMARA: Objection.

12

Q Are you suing for money here?

13

A It's not lying.

14

Q It is lying.

15

A Suing to get the hours that were
taken away from us, taken away from me, the ones
that were robbed.

16

Q You mean when you started working
for Suffolk Asphalt?

17

A I don't understand the question.

18

MR. MCNAMARA: Objection.

19

Q There came a time that you joined
the union, right?

1 K. Galeano

2 A Yes, right, but I didn't know.

3 Q You didn't know you joined the
4 union, but you joined the union?

5 MR. MCNAMARA: Objection.

6 A I didn't know how it was done, but
7 I know we did it.

8 Q You're upset because your paycheck
9 went down when you joined the union.

10 MR. MCNAMARA: Objection.

11 Q Right?

12 MR. MCNAMARA: Objection.

13 Q Yes or no? Come on; yes or no?

14 A I can't answer the question
15 without being able to explain myself.

16 Q Your pay went down when you joined
17 the union, didn't it?

18 MR. MCNAMARA: Objection.

19 Q Right?

20 A I'm not sure.

21 Q You're not sure, you never looked
22 at your pay stubs?

23 MR. MCNAMARA: Objection.

24 A Sometimes I looked at them,
25 sometimes I didn't.

1 K. Galeano

2 Q Sometimes they showed overtime and
3 sometimes they didn't?

4 MR. MCNAMARA: Objection.

5 A They never paid overtime.

6 Q They never paid overtime; yes or
7 no?

8 MR. MCNAMARA: Objection.

9 A No.

10 Q Never paid overtime?

11 MR. MCNAMARA: Objection.

12 Q If any of the documents here in
13 Exhibit 4 show that you got overtime, you would
14 be lying to me right now, correct?

15 MR. MCNAMARA: Objection.

16 Q Correct; yes or no?

17 A I'm not lying.

18 Q You're lying, because I can show
19 you here in Exhibit 4 where you got paid
20 overtime.

21 MR. MCNAMARA: Objection.

22 Q Do you want me to show you?

23 MR. MCNAMARA: Objection.

24 Q Do you want me to show you?

25 MR. MCNAMARA: Counsel, lower your

1 K. Galeano

2 voice.

3 Q Look at Exhibit 4. You already
4 admitted to getting paid overtime, you and your
5 little pink nail.

6 MR. McNAMARA: Objection.

7 A I don't have overtime.

8 Q You don't see that now? Look at
9 it.

10 MR. ZABELL: Let the record
11 reflect that he only went through about a
12 quarter of it.

13 MR. McNAMARA: Objection.

14 Q Do you remember testifying to
15 that; yes or no?

16 MR. McNAMARA: Objection.

17 A No, I don't.

18 Q That is why you're a liar.

19 MR. McNAMARA: Objection.

20 Q That is why you're a liar, sir.

21 That's why you're not going to get anything as a
22 result of this lawsuit.

23 What is the document in front of
24 you?

25 A This was a stub from Asphalt.

1

K. Galeano

2

Q Give me the document back.

3

MR. ZABELL: Counsel, do you

4

remember hearing him say that he got

5

overtime?

6

MR. McNAMARA: I remember him

7

saying at most, he got paid two hours of

8

overtime.

9

Q Even your lawyer says you're a
liar. You should be ashamed of yourself.

11

MR. McNAMARA: Objection.

12

Q That is where you want to be?

13

MR. McNAMARA: Objection.

14

Q Look at him, look at your lawyer.
Even your lawyer said that you testified that
you got paid overtime.

17

MR. McNAMARA: At most, two hours
of overtime.

19

Q Do you know what that makes you?
A liar.

21

MR. McNAMARA: Counsel stop, move
on.

23

Q What else are you lying about
today?

25

A I'm not lying.

1 K. Galeano

2 Q You're not lying about anything
3 else?

4 MR. MCNAMARA: Objection.

5 Q Exhibit 4 is your Suffolk Asphalt
6 pay stubs, right, correct?

7 A Yes.

8 Q This was during the period of time
9 you were in the union?

10 A Yes.

11 Q Don't you see there is a ton of
12 money that is being paid to the union on your
13 behalf?

14 MR. MCNAMARA: Objection.

15 Q Do you that?

16 A Yes, I see it.

17 Q How much money on this check is
18 sent to the union on your behalf?

19 A I don't know about the union. I
20 never realized it, they did it. I don't know
21 what he did. I never realized about the union.

22 Q That got you upset, because you
23 don't know how much money is paid to the union
24 on your behalf?

25 MR. MCNAMARA: Objection.

1

K. Galeano

2

A No, I never complained about the
union.

4

Q So you were happy about the union?

5

A What happens is before the
lawsuit, they weren't paying anything, but
after, they were paying me the right amount.

6

Q I thought you testified that you
stopped working in August 2009, right?

7

MR. McNAMARA: Objection.

8

Q Right?

9

A I finished in August 2009.

10

Q You're absolutely positive that
you finished working there in August 2009,
right?

11

A August of 2009, I don't know the
date.

12

Q I'm going to show you the third
page of Defendant's Exhibit 4.

13

Do you see that? Do you see that?

14

Is that you?

15

A Yes.

16

Q Y

17

18

19

1

K. Galeano

2

MR. MCNAMARA: Objection.

3 Q [REDACTED]

4 [REDACTED]

5

MR. MCNAMARA: Objection.

6 A [REDACTED]

7 Q

Do you see that, the pay date?

8 That is 2010, right?

9 A Yes.

10 Q

So you lied. You didn't stop working there in 2009, did you?

12

MR. MCNAMARA: Objection.

13

Please sit down, Counsel.

14 A

I don't remember.

15 Q

What was that date? Go ahead to where my finger is.

17 A

Yes, I see it.

18 Q

What date is that?

19 A

2010.

20 Q

August 2010, right?

21

MR. MCNAMARA: Objection.

22 Q

So you lied that you didn't stop working in 2009, didn't you?

24

MR. MCNAMARA: Objection.

25 Q

Correct?

1

K. Galeano

2

A Correct, but I was not sure.

3

Q But you lied?

4

MR. MCNAMARA: Objection.

5

A I was not sure.

6

Q Let's take it a step further.

7

Time-and-a-half, five hours,

8

\$51.12. Do you know what you got paid

9

time-and-a-half for? What did you get paid

10

time-and-a-half for?

11

A Five hours, five-and-a-half.

12

Q For what? Overtime, right? Not
two hours. Here, you got five-and-a-half hours
overtime, right?

15

MR. MCNAMARA: Objection.

16

Q That is just on the third page
that you just gave me for the first time, right?

18

So you got paid more than two
hours overtime, right?

20

A Suffolk Paving.

21

Q No, you got paid for more than
five hours overtime?

23

MR. MCNAMARA: Lower your voice,
Counsel, stop it.

25

Q Don't look away.

1 K. Galeano

2 Do you see it?

3 MR. MCNAMARA: Stop yelling.

4 Q So you lied to me before, right?

5 You lied to me before?

6 MR. MCNAMARA: Objection.

7 Q You lied to me before?

8 MR. MCNAMARA: Objection.

9 A No, haven't lied.

10 Q Everybody knows you lied. Ask
11 your attorney, he knows you lied.

12 A Suffolk Paving never paid me.

13 That was after the lawsuit. That is what I want
14 you to understand. They already knew about the
15 lawsuit, then they were paying the right way.

16 Q You said you weren't even working
17 there then.

18 A Because I was not sure.

19 Q You weren't sure. If you weren't
20 sure, you should have said it. If you're not
21 sure, you don't lie.

22 Is that how you're raising your
23 children, to lie? Do you want them to know that
24 their father is a liar? Is that what you want?

25 A Of course not.

1

K. Galeano

2

Q Why are you lying here?

3

A Because I didn't remember.

4

Q You didn't remember, you didn't
remember that you were lying?

5

MR. MCNAMARA: Objection.

6

Q Here's another lie, take a look at
this page.

7

How many hours of overtime did you
get paid there?

8

A Eight hours.

9

Q Is that more than two?

10

A The question again, please?

11

Q Is eight hours more than two?

12

MR. MCNAMARA: Objection.

13

Q Yes or no?

14

A I don't understand what is being
said.

15

Q Is eight hours more than
two hours?

16

MR. MCNAMARA: Objection.

17

A Asphalt (sic).

18

Q Hey, answer the question.

19

Is eight hours more than two
hours; yes or no?

1 K. Galeano

2 A Yes.

3 Q Then, why did you lie? You
4 testified before that maybe you got two hours
5 overtime. Here on one check, you got
6 eight hours, and on the other check, you got
7 five hours.

8 MR. MCNAMARA: Objection.

9 Q Even your lawyer told you before
10 that you were lying.

11 MR. MCNAMARA: Objection.

12 A I want you to look at Suffolk
13 Paving, not just Suffolk Asphalt.

14 Q You don't get to ask me questions.
15 You're the one here lying. All you have to do
16 is answer my questions.

17 MR. MCNAMARA: Objection.

18 Q I want you to start answering them
19 honestly, because when you don't answer
20 questions honestly, you get yourself into
21 trouble.

22 MR. MCNAMARA: Objection.

23 Q Nobody, whether in this room or
24 the courtroom, is going to believe a word you
25 say.

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 Q Why don't you take a break and
4 speak to your attorney.

5 A Okay.

6 (Whereupon, a recess was taken
7 from 3:49 p.m. to 4:12 p.m.)

8 Q You ready?

9 A Yes, I am.

10 Q No more lying, right?

11 MR. MCNAMARA: Objection.

12 Q You promise not to lie to me
13 anymore?

14 A I promise not to lie.

15 Q Do you want to apologize for lying
16 before?

17 MR. MCNAMARA: Objection.

18 A If I did, I apologize.

19 Q You know you did. Don't say, "if
20 I did," that's a stupid game. Even your lawyer
21 told you that lied out there.

22 MR. MCNAMARA: Objection.

23 A Okay.

24 Q Not okay. Yes.

25 A Yes.

1 K. Galeano

2 Q Could you explain to me why you
3 have a pink nail?

4 A My girlfriend painted it. I paint
5 them myself, but usually black.

6 Q Why? Did you lose a bet?

7 MR. MCNAMARA: Objection.

8 A No. Just as I said, for my own
9 reasons.

10 Q Is it part of a gang affiliation?

11 MR. MCNAMARA: Objection.

12 A No.

13 Q Explain.

14 A Just because, as I said, I like
15 it, I like it.

16 Q How much are you suing for?

17 MR. MCNAMARA: Objection.

18 A I don't know.

19 Q Can you figure it out?

20 A I couldn't figure it out, but they
21 took away many hours from me.

22 Q How many?

23 A Minimum, twenty a week.

24 Q Twenty a week. Every week you
25 worked, right?

1 K. Galeano

2 A There were weeks that I didn't
3 work every day because of rain.

4 Q It's not a minimum of twenty hours
5 a week?

6 A Yes. Because when I didn't work
7 for them, it's logical that it would be less,
8 but when I did work, it was that or more.

9 Q But you don't know when you worked
10 or when you didn't work, do you?

11 A No, it's been a long time and I
12 can't remember.

13 Q So you have no idea. Is that what
14 you're testifying to?

15 MR. McNAMARA: Objection.

16 O Is that what you're testifying to?

17 MR. MCNAMARA: Objection.

18 A Pardon me?

19 Q You have no idea what you're owed,
20 do you?

21 MR. MCNAMARA: Objection.

22 A I do not have any idea. At the
23 end of the week, you would hand over your
24 schedule and they didn't pay overtime. It was
25 your own choice to hand over your schedule and

1 K. Galeano

2 since they weren't paying you overtime, I didn't
3 keep on doing it.

4 Q So you never even reported that
5 you worked overtime, is that what you're saying?

6 MR. MCNAMARA: Objection.

7 Q Just answer the question.

8 A Yes, I did report it.

9 Q Just answer the question.

10 A Do you understand that?

11 A Yes, I understand.

12 Q Are you capable of doing that?

13 You just said you didn't bother
14 handing in the sheets; yes or no?

15 A Yes, I said that.

16 Q Do you have these sheets that you
17 never turned in?

18 A No, I don't have them.

19 Q Where are they?

20 A Because --

21 Q Where are they?

22 MR. MCNAMARA: Objection.

23 A Because I didn't continue to hand
24 them over.

25 Q Where are they?

1 K. Galeano

2 MR. MCNAMARA: Counsel, lower your
3 voice.

4 Q Where are they?

5 A I don't know.

6 Q Did you throw them out?

7 A No.

8 Q You didn't throw them out, but you
9 don't know where they are?

10 MR. MCNAMARA: Objection.

11 Q Come on.

12 A I don't remember.

13 Q You don't remember?

14 A No.

15 Q Is there any way that you can look
16 for these documents to find them?

17 A I don't have any of those
18 documents, because I didn't make them up. I did
19 them for a week and saw they were not paying me,
20 so I stopped making them up. But there were
21 other people that did do them and they still did
22 them.

23 Q Where are the documents that you
24 kept for a week?

25 A I don't know.

1 K. Galeano

2 Q You threw them out, right?

3 MR. MCNAMARA: Objection.

4 A Truth is, I don't know if I saved
5 them or what I did.

6 Q You got rid of evidence in this
7 case, didn't you?

8 MR. MCNAMARA: Objection.

9 A It was not for that long, as I
10 said, that I filled out those things for work.

11 Q You got rid of evidence in this
12 case, right?

13 MR. MCNAMARA: Objection. Stop.

14 A My co-workers have evidence.

15 Q No. I am asking you about your
16 evidence.

17 MR. MCNAMARA: Objection.

18 Q You destroyed it, didn't you?

19 MR. MCNAMARA: Objection.

20 A I don't remember.

21 Q I don't remember, I don't
22 remember. You don't remember much, do you?

23 MR. MCNAMARA: Objection.

24 Q Do you remember when your lawyer
25 told you that you lied before?

1

K. Galeano

2

MR. MCNAMARA: Objection.

3

Q Do you remember that?

4

A Yes, I remember.

5

Q Do you remember when I told you
that you lied before?

6

A Yes, I remember.

7

Q If your lawyer is telling you that
you lied and I'm telling you that you lied,
don't you think you're lying now?

8

MR. MCNAMARA: Objection.

9

A I'm not lying, that's the truth.

10

Q So your lawyer is wrong?

11

MR. MCNAMARA: Objection.

12

Q Your lawyer is wrong, right?

13

MR. MCNAMARA: Objection.

14

A I don't know.

15

Q You don't know?

16

A No.

17

Q He knows, I know.

18

Do you feel at least a little bit
bad about lying to us today?

19

A No, I'm fine.

20

Q You're fine.

21

Do you go to church?

1 K. Galeano

2 A Of course, I do.

3 Q When was the last time you went to
4 church?

5 A About a month ago.

6 Q A month?

7 A Yes.

8 Q When is the next time you're
9 going?

10 A I don't know. I'll always go
11 until the day I die.

12 Q Maybe tonight you should go.

13 MR. MCNAMARA: Objection.

14 Q What do you think?

15 A I am always with God.

16 Q Even when you're lying?

17 MR. MCNAMA

18 Q Yes or no?

19 A Even when

20 lying now.

Even when you're breaking the law?

22 MR. MCNAMARA: Objection.

23 Q Are you with him then?

24 A Yes, I am always with him.

Even when you're committing fraud.

100

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 A I'm always with Him.

4 Q Even when you're committing fraud,
5 yes?

6 MR. MCNAMARA: Objection.

7 A Yes, I am always with Him.

8 Q Does that make it okay?

9 MR. MCNAMARA: Objection.

10 A No, I know that lying is not
11 right.

12 Q Do you know that stealing is not
13 right?

14 MR. MCNAMARA: Objection.

15 A Yes, I have never stolen.

16 Q Do you know if committing fraud is
17 right?

18 MR. MCNAMARA: Objection.

19 A Could you repeat it, please?

20 Q Do you know that committing fraud
21 is not right?

22 A Yes, I know that it is not right.

23 Q And you know that lying is not
24 right?

25 A Yes, I know that lying is not

1 K. Galeano

2 right.

3 Q [REDACTED]

4 [REDACTED]

5 MR. MCNAMARA: Objection.

6 Q Right?

7 MR. MCNAMARA: Objection.

8 A [REDACTED]

9 Q [REDACTED]

10 [REDACTED]

11 MR. MCNAMARA: Objection.

12 Q [REDACTED]

13 MR. MCNAMARA: Objection.

14 A [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q No. That is not the only time
18 that you lied. You said you have a son.

19 MR. MCNAMARA: Objection.

20 Q You said you never worked
21 overtime. You said you were never paid
22 overtime. You said you stopped working in
23 August 2009, when, in fact, you stopped in 2010.
24 You lied throughout today, even
25 your lawyer said you lied.

1

K. Galeano

2

MR. MCNAMARA: Objection.

3 Q [REDACTED]

4 [REDACTED]

5 [REDACTED]

6

MR. MCNAMARA: Objection.

7 Q Correct, yes?

8

MR. MCNAMARA: Objection.

9 A Can I clarify something?

10 Q No, you can say yes or no.

11 A Why can I not clarify something?

12 Q Because it's your responsibility

13 to answer my questions.

14 All of those things I accused you
15 of today, you did, correct?

16 MR. MCNAMARA: Objection.

17 Q Correct?

18 A That is correct, but I am asking
19 you anything -- I would like to clarify
20 something.

21 Q It's not your role here.

22 A Okay.

23 Q You missed periods of work when
24 you went out sick, didn't you?

25 A If I was sick, yes, I didn't go to

1 K. Galeano

2 work.

3 Q How many days was that?

4 A Two days when I had a flu or a
5 fever.

6 Q Do you have health insurance?

7 A No, I don't.

8 Q How do you see a doctor?

9 A Public clinic.

10 Q Do you pay anything when you go to
11 the public clinic?

12 A Yes, I pay.

13 Q How much?

14 A \$15.

15 Q Did you tell them that you make
16 over \$50 an hour?

17 A No, they didn't ask me anything
18 about that.

19 Q Didn't you tell them that you
20 could afford to see a regular doctor?

21 MR. MCNAMARA: Objection.

22 A No.

23 Q But you can when you make \$50 an
24 hour.

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A Maybe if I was making \$50 an hour
3 all the time, but it was not all the time that I
4 was making \$50.

5 Q \$50 an hour is more than some
6 lawyers make, did you know that? Did you know
7 that?

8 A I didn't know that.

9 MR. MCNAMARA: Objection.

10 Q Did you ever file for unemployment
11 benefits?

12 A No, never.

13 Q Did you ever receive food stamps?

14 MR. MCNAMARA: Objection.

15 A No, never.

16 Q Did you ever, on behalf of
17 yourself or anybody else, receive any public
18 benefits like welfare?

19 A I don't understand that last thing
20 you said.

21 Q Did you ever receive any welfare
22 benefits?

23 MR. MCNAMARA: Objection.

24 A I don't know what that is.

25 Q Any benefits from the State or the

1 K. Galeano

2 Federal Government?

3 A No, never.

4 Q What about for your children?

5 MR. MCNAMARA: Objection.

6 A For my children, I don't know,
7 their mother, maybe.

8 Q What about health insurance
9 benefits?

10 A For me?

11 Q No, for your children.

12 A Yes, for my daughter, yes.

13 Q What about your son?

14 A No, I just have a daughter.

15 Q You testified before that you had
16 a son.

17 A No, I never said I had two
18 children.

19 Q Are you lying?

20 MR. MCNAMARA: Objection.

21 Q Are you denying that you have a
22 son?

23 A No, I have a daughter.

24 Q What is the boy's name?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A Boy, I don't have a boy, just a
3 girl.

4 Q Did someone accuse you of having a
5 boy?

6 MR. MCNAMARA: Objection.

7 A No, never.

8 Q There is no woman out there that
9 said that you're the father of her son?

10 A There aren't any, but if I did
11 have one, I wouldn't deny it.

12 Q I don't understand why you said
13 before that you had a son, but you're denying it
14 now.

15 MR. MCNAMARA: Objection.

16 MR. ZABELL: Reporter, did he say
17 that he had a son before?

18 THE COURT REPORTER: Yes.

19 MR. MCNAMARA: Off the record.

20 A He surely heard it incorrectly,
21 but I do not have two children.

22 (Whereupon, a discussion was held
23 off the record.)

24 (Pictures of bulletin board were
25 marked as Defendants' Exhibit 5 for

1

K. Galeano

2

identification, as of this date.)

3

Q You took a break.

4

You feeling better?

5

A Yes, I'm better.

6

Q No more lying, all right?

7

MR. MCNAMARA: Objection.

8

A Okay, that's fine.

9

Q I accept your apology for lying
10 before.

11 Did you ever go inside the shop at
12 the yard?

13 A Yes, to go to the office at the
14 yard, you have to go to the shop.

15 Q When you were at the office, did
16 you see any signs?

17 A Could you explain that better?

18 Q Are there signs on a bulletin
19 board?

20 A Bulletin board?

21 Q The wall?

22 A Yes, but on what? On what? I
23 don't understand, across the shop going
24 through -- what's the word?

25 Q I show you a document that has

1 K. Galeano

2 been previously marked as Defendants' Exhibit 5.
3 (Handing.)

4 Have you ever seen that before?

5 A Number 5?

6 Q Just look at it.

7 A (Perusing.) No, I have never seen
8 it.

9 Q You never saw it or you never
10 looked for it? Everybody else saw it, but not
11 you?

12 MR. MCNAMARA: Objection.

13 Q Everybody else saw it, but not
14 you?

15 MR. MCNAMARA: Objection.

16 Q Right?

17 MR. MCNAMARA: Objection.

18 A I didn't see it.

19 Q Everybody else saw it, but you
20 didn't see it?

21 MR. MCNAMARA: Objection.

22 A I didn't see it.

23 Q I know, everybody else did, but
24 not you?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 Q I think you're lying again.

3 MR. MCNAMARA: Objection.

4 Q Once you start lying, it's hard to
5 stop. I understand.

6 A I wouldn't lie, I never saw it.

7 Q Did you ever go directly to a job
8 site in the morning; yes or no?

9 A After the lawsuit, yes.

10 Q Before the lawsuit, never?

11 A Only the yard.

12 Q So is your answer, I never went to
13 a job site directly before the lawsuit?

14 A Yes, exactly.

15 Q So you go to the yard in the
16 morning for five minutes, ten minutes, and go
17 get an egg sandwich, and then go to a job site,
18 correct?

19 MR. MCNAMARA: Objection.

20 A Yes, when we went to work, we
21 would stop at a deli.

22 Q What kind of egg sandwich would
23 you get --

24 A Then, go to the site.

25 Q What kind of egg sandwich would

1 K. Galeano

2 you get?

3 A A ham and egg.

4 Q With mayonnaise?

5 A Yes.

6 Q You like it with mayonnaise?

7 A I only like the food here very
8 little, but I did like that.

9 Q You don't like our food?

10 A No, it's good, it's good.

11 Q How long would it take to order
12 these egg sandwiches that you speak of;
13 twenty minutes?

14 A Depended on the people there, five
15 or ten minutes.

16 Q Sometimes more, sometimes less?

17 A I think it was more than
18 ten minutes, but twenty minutes, that is too
19 long.

20 Q Sometimes you would eat them in
21 the truck?

22 A Always.

23 Q You would always eat them in the
24 truck?

25 A Never over there at the place

1 K. Galeano

2 where we bought them.

3 Q You know the truck had GPS units
4 in them, right?

5 A Yes, I know that. But I found out
6 about it long after I started working there.

7 Q We could see how long those trucks
8 were outside the deli. You knew that, right?

9 A Yes, I knew.

10 Q We could tell sometimes you were
11 there for a half hour, sometimes you were there
12 for forty minutes.

13 A I don't think that it was a half
14 an hour or forty-five minutes.

15 Q You don't think so, but you're not
16 sure?

17 A I'm not sure, but it's not
18 possible that a sandwich would take a half hour.

19 Q What about coffee, did you go get
20 coffee, too?

21 A I don't drink it a lot, sometimes
22 I did.

23 Q You like to get your coffee at
24 7-Eleven?

25 A Yes, I liked to get it at

1 K. Galeano

2 7-Eleven, I hardly do it.

3 Q Your co-workers would like to get
4 it at 7-Eleven, right?

5 MR. MCNAMARA: Objection.

6 Q Right?

7 A Yes, they liked to go to 7-Eleven
8 when we were working, but we hardly ever went
9 there.

10 Q It was both tasty and economical
11 to buy it at 7-Eleven, correct?

12 A Could be.

13 Q You're saying that you never went
14 to 7-Eleven when you were working for Suffolk
15 Paving or Suffolk Asphalt?

16 A When I was with the asphalt
17 group -- the paving group hardly ever went to
18 7-Eleven, but when I was with other people,
19 natives, they would go and I would go with them.

20 Q When you were with the natives?

21 A Yes, citizens over here, natives.

22 Q What about at the end of the day,
23 did you ever stop and get a cup of coffee or a
24 drink, a soda maybe?

25 A That I remember, no.

1 K. Galeano

2 Q No, never, right? Never got a
3 soda at the end of the day?

4 MR. MCNAMARA: Objection.

5 Q Gatorade?

6 A No. Because during the summer, we
7 usually would bring our own water and we
8 wouldn't have to buy any.

9 Q From 2007 until you stopped
10 working, who was your boss?

11 A It was Chris. I don't know the
12 last name, Louis' son.

13 Q He always treated you fairly,
14 correct?

15 A Before the lawsuit, he was pretty
16 relaxed, but after, he changed a little.

17 Q But he always treated you fairly,
18 correct?

19 A Yes, he was relaxed.

20 Q And Louis always treated you
21 fairly, correct?

22 MR. MCNAMARA: Objection.

23 A Once we were working removing the
24 base off of a traffic light post, there was --
25 we were removing the base because they made a

1 K. Galeano

2 new one, I was removing the cement that was
3 being removed by the jackhammer, I was putting
4 it off to a side.

5 He told me to put it somewhere
6 else, but I couldn't hear him because of the
7 noise coming from the machine, and what he did,
8 he just kicked me in the butt.

9 Q Did he kick you in the butt hard?

10 A It was not hard, but I felt it. I
11 stopped, I asked him why he did it, he just
12 turned around and left.

13 Q Anybody ever kick you in the butt
14 before?

15 A No, never.

16 Q No one has ever kicked you in the
17 butt before?

18 A Maybe someone -- my friends
19 playing around, but I never joked around with
20 him or played that way together.

21 Q Did he hurt your butt?

22 MR. MCNAMARA: Objection.

23 A He didn't hurt me.

24 Q So he didn't kick you very hard?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A It was not hard.

3 Q So he just got your attention,
4 correct?

5 A Yes, but I would imagine there are
6 other ways to do that.

7 Q I would imagine too, but sometimes
8 not as effective.

9 Was that the meanest thing he ever
10 did to you?

11 A Yes.

12 Q The meanest thing he ever did to
13 you was kick you in the butt?

14 MR. MCNAMARA: Objection.

15 A Yes.

16 Q Did you develop hemorrhoids as a
17 result of that?

18 A No. If I had, I would have had to
19 go to the doctor, nothing happened.

20 Q Nothing at all, right?

21 A No.

22 Q You laughed at it?

23 A When he did it, I didn't like it.

24 He could have done it a different way. He could
25 have touched me with his hand.

1

K. Galeano

2

Q Did your co-workers laugh?

3

A No, we were working.

4

Q So no one noticed?

5

A They saw it.

6

Q Who? Give me a name.

7

A That I remember, Osmar.

8

Q Osmar Pagoada?

9

A Yes. I don't remember the other guys, but they were there.

11 Q Sure, there were.

12 But you always got paid every week, right; yes or no?

14 MR. McNAMARA: Objection.

15 A Yes, they paid me, but not my overtime.

17 Q Never paid you your overtime?

18 A It was only up to two hours before the lawsuit.

20 Q You got paid those two hours when you worked overtime, correct?

22 A Yes, but I worked more overtime.

23 It was not for everything I worked.

24 Q But you don't know what jobs you worked overtime on?

1 K. Galeano

2 A No.

3 Q You don't know how much overtime
4 you claim to have worked, right?

5 MR. MCNAMARA: Objection.

6 Q Correct?

7 MR. MCNAMARA: Objection.

8 A Ten hours minimum a week.

9 Q Before it was minimum twenty hours
10 a week.

11 Is it ten hours, is it twenty,
12 maybe forty or sixty; as much as you can get,
13 right?

14 MR. MCNAMARA: Objection.

15 Q As much as you can get, right?

16 MR. MCNAMARA: Objection.

17 Q Right?

18 MR. MCNAMARA: Objection.

19 Q As much as you can get, right?

20 Come on.

21 A I don't really understand the
22 question.

23 Q Of course, you don't. You know,
24 every time I ask you the hard questions, you
25 pretend not to understand, right? Everything

1 K. Galeano

2 else you understand, correct? Just the hard
3 questions?

4 MR. MCNAMARA: Objection.

5 A It's not that I'm pretending not
6 to understand. If I don't understand, I can't
7 say something else.

8 Q You have been doing that all day.

9 MR. MCNAMARA: Objection.

10 Q So stop it, okay? Stop the lying,
11 okay?

12 A Fine.

13 Q I accept your apology for
14 continuing to lie to me, even when you said you
15 wouldn't.

16 MR. MCNAMARA: Objection.

17 Q Okay?

18 A That's fine.

19 Q Are you claiming that you're only
20 owed overtime hours?

21 MR. MCNAMARA: Objection.

22 A Yes, my overtime hours.

23 Q That's all you're suing for is
24 overtime hours?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 A Yes, correct.

3 Q Did you ever receive cash
4 payments?

5 MR. MCNAMARA: Objection.

6 A No, never.

7 Q Do you want to tell the truth
8 about the cash payments?

9 MR. MCNAMARA: Objection.

10 A No, they never paid me cash.

11 Q Why can't you look at me when you
12 answer the questions?

13 A I don't know. Maybe it's because
14 I'm a little nervous.

15 Q If you don't lie, you have nothing
16 to be nervous about.

17 MR. MCNAMARA: Objection.

18 Q When you lick your lips like
19 you're doing now, and you can't sit still in
20 your chair, you're indicating to us that you're
21 lying.

22 MR. MCNAMARA: Objection.

23 Q You know that, right?

24 A I'm not lying. But maybe it's
25 because this is my first time in a place like

1 K. Galeano

2 this.

3 Q In an office?

4 MR. MCNAMARA: Objection.

5 A Yes.

6 Q You know you're here because you
7 chose to be here, right?

8 MR. MCNAMARA: Objection.

9 A Yes.

10 Q You can always say, I don't want
11 to sue my employer anymore. You know you can
12 say that, and we will let you go.

13 A No, I don't.

14 Q Did you ever pay your lawyers any
15 money?

16 MR. MCNAMARA: Objection.

17 A No.

18 Q They never asked you for any
19 money?

20 MR. MCNAMARA: Objection.

21 A No.

22 Q Did they tell you that there was
23 an offer to settle this case?

24 MR. MCNAMARA: Objection.

25 A An offer?

1 K. Galeano

2 Q Yes.

3 A Yes.

4 Q What did they tell you?

5 MR. MCNAMARA: Objection.

6 A Like, negotiation.

7 Q How much?

8 A I don't know. That, I don't know.

9 Q They never told you?

10 A No.

11 Q If there was a number offered,
12 don't you think they should have told you?

13 A No, I don't really know about
14 that.

15 Q Are they trying to hide it from
16 you?

17 MR. MCNAMARA: Objection.

18 A I don't know.

19 Q Keep you out of the settlement?

20 MR. MCNAMARA: Objection.

21 A I don't know, I don't know.

22 Q Who is the group leader in the
23 lawsuit?

24 MR. MCNAMARA: Objection.

25 A Leader that I know of, we all

1 K. Galeano

2 decided to do it.

3 Q Isn't it Nelson?

4 A All of us.

5 Q Mendez?

6 A All.

7 Q You know Mendez borrowed money
8 from Suffolk Asphalt to buy his house?

9 A No, I don't know anything about
10 that.

11 Q He's using this lawsuit to try to
12 pay that back.

13 MR. MCNAMARA: Objection.

14 Q Do you know that?

15 MR. MCNAMARA: Objection.

16 A No, I don't know.

17 Q Is there anything else you want to
18 tell me?

19 A No.

20 Q Do you want to apologize one last
21 time?

22 MR. MCNAMARA: Objection.

23 A Sorry.

24 Q Do you know what you're sorry for?

25 A For lying the law for documents,

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1 K. Galeano

2 and for driving without a license (sic).

3 Q Anything else you want to say
4 you're sorry for?

5 MR. MCNAMARA: Objection.

6 A No, because I'm sure I haven't
7 lied to you.

8 Q You have been lying to me all day.
9 You just apologized for lying.

10 MR. MCNAMARA: Objection.

11 A Yes, I did. But I already said
12 why I was apologizing, but it's not because I've
13 been lying all day.

14 Q Si.

15 MR. ZABELL: Let me take a break.

16 (Whereupon, a recess was taken
17 from 4:59 p.m. to 5:08 p.m.)

18 Q No more lies, correct?

19 MR. MCNAMARA: Objection.

20 A No.

21 Q No, you're going to continue to
22 lie, or no, you're going to stop your lies?

23 MR. MCNAMARA: Objection.

24 A I'm not going to lie, never going
25 to lie.

1 K. Galeano

2 Q You never lie. Do you feel bad
3 you lied today?

4 MR. MCNAMARA: Objection.

5 Q A little bit?

6 MR. MCNAMARA: Objection.

7 A I feel bad.

8 Q You should. Because good, honest
9 people don't lie.

10 MR. MCNAMARA: Objection.

11 A I understand.

12 Q Do you have any hobbies?

13 A Play soccer.

14 Q Do you play soccer a lot?

15 A Yes.

16 Q But you never played it at work?

17 MR. MCNAMARA: Objection.

18 A Never, there was never any time.

19 Q Never. So if your co-workers said
20 that they played every now and then, they would
21 be lying, correct?

22 MR. MCNAMARA: Objection.

23 A Maybe they did before I worked
24 there.

25 Q Do you know Helene Vecchia?

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1 K. Galeano

2 A Who?

3 Q Do you know Helene Vecchia?

4 A Helene Vecchia?

5 Q Si, Helene Vecchia?

6 A No, I don't know who that is.

7 Q She was never your boss, was she?

8 MR. MCNAMARA: Objection.

9 A No, I don't know.

10 Q You have no reason to think she's
11 an owner of the company, right?

12 A No, I don't know anything about
13 her.

14 Q Do you know if Chris Vecchia is an
15 owner of the company?

16 MR. MCNAMARA: Objection.

17 A No, I don't know.

18 Q You have no reason to believe that
19 he is, right?

20 MR. MCNAMARA: Objection.

21 A I don't know.

22 Q Louis Vecchia is an owner of the
23 company, right?

24 A Yes, that I know of.

25 Q He was your boss?

1 K. Galeano

2 A Yes, he was my boss.

3 Q He was the only one, though,
4 right?

5 A That I know of, yes.

6 Q For the most part, he was fair,
7 except for the one time that he kicked you
8 lightly in the butt, right?

9 MR. MCNAMARA: Objection.

10 Q Right?

11 A Yes. I don't know anything about
12 his personal life.

13 Q But he was fair to you, right?

14 A Yes.

15 Q He dealt with you fairly and
16 honestly?

17 A Yes, with respect.

18 Q Always made sure you got a
19 paycheck every week, right?

20 A Yes. It's a shame that he didn't
21 pay me everything that he should of.

22 Q But all of your paychecks listed
23 the hours that you worked.

24 MR. MCNAMARA: Objection.

25 Q Right?

1 K. Galeano

2 A No, they didn't.

3 Q But you testified before that you
4 never looked at the pay stubs.

5 MR. MCNAMARA: Objection.

6 Q Do you remember testifying to
7 that?

8 A Yes, I remember.

9 Q So you didn't know what the check
10 said because you never looked at them?

11 MR. MCNAMARA: Objection.

12 A We were never paid more than
13 forty-two hours. At most, it was forty-two
14 hours.

15 Q Except for the time that I showed
16 you that you were paid extra hours, right?
17 Again, you're lying.

18 MR. MCNAMARA: Objection.

19 Q Stop lying. Remember I showed you
20 before?

21 MR. MCNAMARA: Objection.

22 A I know, but that is after the
23 lawsuit. That is when they started paying us.

24 Q You said he never paid you, but
25 before I showed you eight hours that you got

1 K. Galeano

paid overtime. That's when you lied to me, that
is when your lawyer said you lied, that is when
the reporter indicated to me that you said you
only worked two hours when you worked and got
paid for eight hours.

7 MR. MCNAMARA: Objection.

8 Q You promised me that you would
9 stop lying and then you started again. Enough
10 with the lying.

11 MR. MCNAMARA: Objection.

12 Counsel, lower your voice.

13 Q What is wrong with you?

14 A That is what I was trying to
15 explain to you. Before the lawsuit, they
16 weren't paying overtime. They were paying
17 overtime after the lawsuit.

18 Q But you got paid overtime before
19 the lawsuit. That is what it showed in the pay
20 stubs, right?

21 MR. MCNAMARA: Objection.

22 A At most, two hours. We worked
23 more, we worked up to sixty hours.

24 Q But your records didn't show that
25 you worked sixty hours because you didn't work

1 K. Galeano

2 sixty hours.

3 There were days you didn't work.

4 There were times that you took off to go
5 somewhere.

6 MR. MCNAMARA: Objection.

7 Q There were days it rained. So
8 don't lie to me and say that you always worked
9 sixty hours. You admitted before that was a
10 lie.

11 MR. MCNAMARA: Objection.

12 Q Stop your lying. You have some
13 nerve continuing to lie.

14 MR. MCNAMARA: Objection.

15 A No, no, no.

16 Q Yes, yes, yes, stop lying.

17 Do you understand?

18 A Yes, I understand.

19 Q Is it possible for you to stop
20 lying? Is it possible; yes or no?

21 MR. MCNAMARA: Objection.

22 A I'm not lying.

23 Q You already admitted to lying,
24 right?

25 MR. MCNAMARA: Objection.

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1 K. Galeano

2 Q Right. Not pero, no but.

3 You already admitted to lying.

4 MR. MCNAMARA: Objection.

5 Q Yes or no?

6 A I haven't lied.

7 Q Now you're saying you haven't
8 lied. Didn't you tell me before that you lied?

9 MR. MCNAMARA: Objection.

10 Q Yes or no?

11 A Yes.

12 Q Yes. If you're saying you lied,
13 don't say that you're not lying.

14 MR. MCNAMARA: Objection.

15 Q You already admitted to being a
16 liar.

17 MR. MCNAMARA: Objection.

18 Q Do you understand that?

19 MR. MCNAMARA: Objection.

20 A I'm not lying to you.

21 Q You've already admitted to lying
22 today.

23 MR. MCNAMARA: Objection.

24 Q Am I right; yes or no?

25 MR. MCNAMARA: Objection.

1 K. Galeano

2 Q Yes or no?

3 MR. MCNAMARA: Counsel, stop
4 yelling.

5 Q Yes or no?

6 MR. MCNAMARA: Objection.

7 Q [REDACTED]

8 A [REDACTED]

9 Q [REDACTED]

10 A [REDACTED]

11 [REDACTED]

12 Q You lied for purposes of money,
13 correct?

14 MR. MCNAMARA: Objection.

15 A Pardon?

16 Q You lied so you can get money?

17 MR. MCNAMARA: Objection.

18 A No, I am not lying in order to get
19 my money. The hours that they take from me, I
20 am not lying.

21 Q [REDACTED]

22 [REDACTED]

23 MR. MCNAMARA: Objection.

24 A [REDACTED]

25 [REDACTED]

1

K. Galeano

2

Q

3

4

MR. MCNAMARA: Objection.

5

6

Q

Can you say that?

7

A

8

Q

9

10

MR. MCNAMARA: Objection.

11

Q

Go ahead.

12

MR. MCNAMARA: No, Counsel, no

13

Counsel.

14

A

No, I cannot.

15

Q

But you just admitted that you

16

lied so you can make money.

17

MR. MCNAMARA: Objection.

18

Q

Did you not?

19

MR. MCNAMARA: Objection.

20

Q

Did you not?

21

A

22

Q

MR. MCNAMARA: Objection.

23

Counsel, move on.

24

A

1

K. Galeano

2

3

4 Q

6 MR. MCNAMARA: Objection.

7

Q Go ahead.

8

A

9

Q

10

11

MR. MCNAMARA: Objection. Move

12

on.

13

Q Correct? You can say it, we all know the answer.

16

A

17

Q

18

19

MR. MCNAMARA: Counsel, you're asking the same questions.

22

A

23

24

25

1

K. Galeano

2

[REDACTED]

3

A

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

Q

[REDACTED]

8

[REDACTED]

9

A

[REDACTED]

10

Q

[REDACTED]

11

[REDACTED]

12

A

[REDACTED].

13

Q

[REDACTED]

14

[REDACTED]

15

MR. McNAMARA: Objection.

16

A

[REDACTED]

17

Q

[REDACTED]

18

[REDACTED]

19

Q

[REDACTED]

20

[REDACTED]

21

MR. McNAMARA: Objection.

22

A

[REDACTED]

23

[REDACTED]

24

[REDACTED]

25

Q

[REDACTED]

135

1

K. Galeano

2

[REDACTED]?

3

MR. MCNAMARA: Objection.

4

Q [REDACTED]

5

A [REDACTED]

6

[REDACTED]

7

[REDACTED]

8

Q [REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

MR. MCNAMARA: Objection.

16

A [REDACTED]

17

[REDACTED]

18

Q [REDACTED]

19

[REDACTED]

20

A [REDACTED]

21

[REDACTED]

22

Q [REDACTED]

23

[REDACTED]

24

[REDACTED]

25

[REDACTED]

1

K. Galeano

2

A

3

Q

4

[REDACTED]

[REDACTED]

5

MR. MCNAMARA: Objection.

6

Q

Correct? Just say it.

7

A

[REDACTED]

8

Q

[REDACTED]

9

MR. MCNAMARA: Objection.

10

Q

[REDACTED] ?

11

A

[REDACTED]

12

Q

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

MR. MCNAMARA: Objection.

16

Q

Just ask your attorney. He will tell you how you look.

18

MR. MCNAMARA: Objection.

19

A

[REDACTED]

20

[REDACTED]

21

Q

That is your excuse, right? Who told you to say that?

23

MR. MCNAMARA: Objection.

24

A

No one.

25

Q

Did Patrick tell you that?

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 A No.

4 Q Did Ian?

5 MR. MCNAMARA: Objection.

6 A No, no one.

7 Q Lauren?

8 MR. MCNAMARA: Objection.

9 A No one.

10 Q Tu padre?

11 A My dad is dead.

12 Q Your mother?

13 MR. MCNAMARA: Objection.

14 A She's living, but in my country.

15 Q She didn't tell you to lie?

16 MR. MCNAMARA: Objection.

17 A She doesn't know anything about
18 this.

19 MR. MCNAMARA: Objection.

20 Q [REDACTED]

21 [REDACTED]

22 MR. MCNAMARA: Objection.

23 A [REDACTED]

24 [REDACTED]

25 Q [REDACTED]

1 K. Galeano

2 MR. MCNAMARA: Objection.

3 A [REDACTED].

4 Q Are you willing to lie in order to
5 earn money?

6 MR. MCNAMARA: Objection.

7 A No, not ready to lie.

8 Q Are you willing to lie?

9 A No, I'm not willing to lie.

10 Q Then, why did you lie today?

11 MR. MCNAMARA: Objection.

12 A To him, I have not lied.

13 Everything that I have said over here has not
14 been a lie.

15 Q [REDACTED]

16 [REDACTED]

17 A [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q [REDACTED]

21 [REDACTED]

22 A [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q Your lying today reflects poorly

1 K. Galeano

2 upon you and the people who raised you.

3 MR. MCNAMARA: Objection.

4 Q You admit in one sentence you
5 lied.

6 A He says I'm lying, but I don't
7 know (sic).

8 Q You admit in one sentence that you
9 lie, and then you deny it in the next. That is
10 shameful.

11 MR. ZABELL: I'm going to ask that
12 you leave my office.

13 MR. MCNAMARA: Objection.

14 MR. ZABELL: Go.

15 MR. MCNAMARA: Stop.

16 MR. ZABELL: Go.

17 MR. MCNAMARA: Stop. You're out
18 of line.

19 MR. ZABELL: I'm disgusted.

20 MR. MCNAMARA: You're
21 unbelievable. So this deposition is
22 finished?

23 MR. ZABELL: He turned over a ton
24 of documents. I'm going to have to have
25 an opportunity to review the

140

1

K. Galeano

2

documentation that he turned over today
and recall him, and hopefully, you will
talk to him about telling the truth and
what that means, but I am disgusted.

6

7

MR. McNAMARA: We're objecting to
your attempt to reserve your right to
recall.

9

10

11

12

13

14

15

16

MR. ZABELL: You don't have that
right. You should have turned over this
now that you're involved in this case.
You get to be held responsible for this.

17

The shame that the lies have
brought upon my office is horrific.

18

Please explain to your client the ills of
his testimony.

Good day, sir.

19

(Time noted: 5:30 p.m.)

20

21

22

23

24

25

1

2 A C K N O W L E D G E M E N T

3

4 STATE OF NEW YORK)

5 : ss

6 COUNTY OF)

7

8 I, KEVIN GALEANO, hereby certify that I
9 have read the transcript of my testimony taken
10 under oath in my deposition of October 6, 2011;
11 that the transcript is a true, complete and
12 correct record of my testimony; and that the
13 answers on the record as given by me are true
14 and correct.

15

16

17 _____ KEVIN GALEANO

18

19

20 Signed and subscribed to

21 before me, this ____ day

22 of _____, 20__

23

24

25 _____
Notary Public, State of New York

142

1

I N D E X

3

4 WITNESS EXAMINATION BY PAGE

5 Kevin Galeano Mr. Zabell 4

6

7 E X H I B I T S

8 DEFENDANTS' DESCRIPTION PAGE

9 Exhibit 1 Mr. Galeano's 5
10 passport

11 Exhibit 2 Mr. Galeano's 21
12 identification cards

13 Exhibit 3 Registration 40

14 Exhibit 4 Mr. Galeano's pay 75
15 stubs

16 Exhibit 5 Pictures of bulletin 106
17 board

18

19

20

21

22

23

24

25

1

2

C E R T I F I C A T E

3

4 STATE OF NEW YORK)
5 COUNTY OF NASSAU) ss:
)

6

7 I, MICHELLE ADAMO, a Shorthand Reporter
8 and Notary Public within and for the State of
9 New York, do hereby certify:

10 That KEVIN GALEANO, the witness whose
11 examination is herein before set forth, was duly
12 sworn by me and that this transcript of such
13 examination is a true record of the testimony
14 given by such witness.

15 I further certify that I am not related to
16 any of the parties to this action by blood or
17 marriage and that I am in no way interested in
18 the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 6th day of October 2011.

21

22

23

MICHELLE ADAMO

24

25

1

2 ERRATA SHEET

3 I wish to make the following changes for
4 the following reasons:

5 PAGE LINE

6 _____ CHANGE: _____

7 _____ REASON: _____

8 _____ CHANGE: _____

9 _____ REASON: _____

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12 _____ CHANGE: _____

13 _____ REASON: _____

14 _____ CHANGE: _____

15 _____ REASON: _____

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17 _____ REASON: _____

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22 _____ CHANGE: _____

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24 _____ CHANGE: _____

25 _____ REASON: _____

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